

GAO

Report to the Chairman, Committee on
Education and Labor, House of
Representatives

December 2010

K-12 EDUCATION

Selected Cases of Public and Private Schools That Hired or Retained Individuals with Histories of Sexual Misconduct



G A O

Accountability * Integrity * Reliability

Highlights of [GAO-11-200](#), a report to the Chairman, Committee on Education and Labor, House of Representatives

Why GAO Did This Study

Prior GAO testimonies have described cases of physical abuse of children at youth residential treatment programs and public and private schools. However, children are also vulnerable to sexual abuse. A 2004 Department of Education report estimated that millions of students are subjected to sexual misconduct by a school employee at some time between kindergarten and the twelfth grade (K-12).

GAO was asked to (1) examine the circumstances surrounding cases where K-12 schools hired or retained individuals with histories of sexual misconduct and determine the factors contributing to such employment actions and (2) provide an overview of selected federal and state laws related to the employment of convicted sex offenders in K-12 schools.

To identify case studies, GAO compared 2007 to 2009 data employment databases from 19 states and the District of Columbia to data in the National Sex Offender Registry. GAO also searched public records from 2000 to 2010 to identify cases in which sexual misconduct by school employees ultimately resulted in a criminal conviction. GAO ultimately selected 15 cases from 11 states for further investigation. For each case, to the extent possible, GAO reviewed court documents and personnel files and also interviewed relevant school officials and law enforcement. GAO reviewed applicable federal and state laws related to the employment of sex offenders and requirements for conducting criminal history checks.

View [GAO-11-200](#) or key components. For more information, contact Gregory Kutz at (202) 512-6722 or kutzg@gao.gov.

December 2010

K-12 EDUCATION

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What GAO Found

The 15 cases GAO examined show that individuals with histories of sexual misconduct were hired or retained by public and private schools as teachers, support staff, volunteers, and contractors. At least 11 of these 15 cases involve offenders who previously targeted children. Even more disturbing, in at least 6 cases, offenders used their new positions as school employees or volunteers to abuse more children. GAO found that the following factors contributed to hiring or retention: (1) school officials allowed teachers who had engaged in sexual misconduct toward students to resign rather than face disciplinary action, often providing subsequent employers with positive references; (2) schools did not perform preemployment criminal history checks; (3) even if schools did perform these checks, they may have been inadequate in that they were not national, fingerprint-based, or recurring; and (4) schools failed to inquire into troubling information regarding criminal histories on employment applications. The following table contains information on 4 of GAO's 15 cases.

Examples of Cases GAO Examined

| School and dates of employment | Case details |
|---|---|
| Multiple Ohio public schools, August 1993 to May 2006 | <ul style="list-style-type: none"> Although forced to resign because of inappropriate conduct with female students, this teacher received a letter of recommendation from the school superintendent calling him an "outstanding teacher." He was subsequently hired at a neighboring district, where he was convicted for sexual battery against a sixth grade girl. |
| Multiple Louisiana schools, June 2006 to October 2007 | <ul style="list-style-type: none"> A teacher and registered sex offender whose Texas teaching certificate had been revoked was hired by several Louisiana schools without receiving a criminal history check. A warrant is currently out for his arrest on charges of engaging in sexual conversations with a student at one of these schools. |
| Arizona public school, August 2001 to January 2002 | <ul style="list-style-type: none"> In a rush to fill a position, this school did not conduct a criminal history check before hiring a teacher who had been convicted for sexually abusing a minor, even though he disclosed on his application that he had committed a dangerous crime against a child. He was later convicted for having sexual contact with a young female student; videos of nude underage girls were found in his possession. |
| California public school, August 1998 to October 2010 | <ul style="list-style-type: none"> In 2000, the offender was convicted for molesting a minor; the school was aware of his conviction but did not fire him. After GAO referred the case to the California Attorney General, officials placed the offender on administrative leave. He has since resigned. |

Source: Records including police reports, court documents, and interviews.

GAO found no federal laws regulating the employment of sex offenders in public or private schools and widely divergent laws at the state level. For example, some states require a national, fingerprint-based criminal history check for school employment, while others do not. State laws also vary as to whether past convictions must result in termination from school employment, revocation of a teaching license, or refusal to hire.

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Accountability * Integrity * Reliability

United States Government Accountability Office
Washington, DC 20548

December 8, 2010

The Honorable George Miller
Chairman
Committee on Education and Labor
House of Representatives

Dear Mr. Chairman:

We have previously reported that children are being physically abused at youth residential treatment programs and at public and private schools.¹ Without question, vulnerable children are also victims of sexual abuse. Nationwide, more than 620,000 convicted sex offenders are either incarcerated, on probation, or residing freely in localities across the United States, according to an estimate by the National Center for Missing and Exploited Children.² This large and growing population of convicted offenders has raised public concerns in part because the victims of sexual assaults are more likely to be children; most offenders live in communities rather than in prison; and some sex offenders, particularly those who go without treatment, are at greater risk of committing another offense.³ But convicted offenders and their victims represent just a fraction of the problem. In 2004, troubling surveys documented by the Department of Education estimated that millions of students are subjected to sexual misconduct by a school employee sometime between kindergarten and the twelfth grade (K-12). Interviews with actual offenders corroborate such statistics; one series of studies found that 232 child molesters admitted to molesting a total of 17,000 victims. In these cases, the individuals molested

¹GAO, *Residential Treatment Programs: Concerns Regarding Abuse and Death in Certain Programs for Troubled Youth*, [GAO-08-146T](#) (Washington, D.C.: Oct. 10, 2007); *Residential Programs: Selected Cases of Death, Abuse, and Deceptive Marketing*, [GAO-08-713T](#) (Washington, D.C.: Apr. 24, 2008); and *Seclusions and Restraints: Selected Cases of Death and Abuse at Public and Private Schools and Treatment Centers*, [GAO-09-719T](#) (Washington, D.C.: May 19, 2009).

²The center was established in 1984 as a private, nonprofit organization to provide services nationwide for families and professionals in the prevention of abducted, endangered, and sexually exploited children. The center receives funding from the Office of Juvenile Justice and Delinquency Prevention, a component of the Department of Justice's Office of Justice Programs.

³GAO, *Convicted Sex Offenders: Factors That Could Affect the Successful Implementation of Driver's License-Related Processes to Encourage Registration and Enhance Monitoring*, [GAO-08-116](#) (Washington, D.C.: January 2008)

dozens, hundreds, and even thousands of victims, sometimes without ever being caught. In this context, you asked us to explore how these individuals obtain and maintain contact with school children. Specifically, you asked that we (1) examine the circumstances surrounding cases where K-12 schools hired or retained individuals with histories of sexual misconduct and determine the factors contributing to such employment actions and (2) provide an overview of selected federal and state laws related to the employment of sex offenders in K-12 public and private schools.

To select our case studies, we compared social security numbers (SSN) in the Department of Justice's (DOJ) National Sex Offender Registry (NSOR) to SSNs in employment databases maintained by 19 states and the District of Columbia⁴ and covering approximately the years 2007 to 2009.⁵ From this comparison, we identified hundreds of potential cases of registered sex offenders working in schools.⁶ For each of these cases, we attempted to validate the identity of the offender and verify that their term of employment was after their conviction for a sex offense by using public records searches and contacting employers. We did not conduct any further investigation if we could not confirm that a registered sex offender had gained or retained employment at a school following their conviction. We also searched public records and identified dozens of cases from 2000 to 2010 in which sexual misconduct by school employees ultimately resulted in a criminal conviction. We then interviewed related parties, including current and former school officials, law enforcement officials, and representatives from state agencies to investigate the factors contributing to the hire or retention of the individuals in these cases. Where applicable, we reviewed police reports, witness statements, court

⁴These states and the District of Columbia are not a sample, but illustrate a broad range of size and location.

⁵For this work, we used the sensitive, nonpublic NSOR. The public national sex offender registry, as accessed through the Dru Sjojin National Sex Offender Public Web site, does not contain offender SSNs, and does not disclose information on all registered sex offenders. Some states use a tiered ranking system for evaluating the potential danger posed by individual sex offenders. For these states, the information on some of the low-risk tiers of sex offenders may be withheld from public disclosure. However, these nonpublic sex offenders are still subject to all sex offender registration requirements, such as requirements to disclose changes in address and employment, and to provide current photographs to law enforcement.

⁶Schools were identified using keyword searches for employers whose business names contained terms such as "school," "academy," or "education."

documents, offenders' personnel files, and employer policy manuals. Ultimately, through a combination of our data matching and public records searches, we selected 15 case studies from 11 states. In addition, to the extent possible, we conducted searches to determine whether the sex offenders in our cases had previous criminal histories or were the subject of previous allegations of abuse. We also interviewed experts in fields related to child abuse investigations, prosecutions, and prevention.

To provide an overview of selected federal and state laws, we researched federal and state laws related to the employment of sex offenders in K-12 public and private schools. Specifically, we searched for prohibitions against working or being present in schools, requirements for conducting criminal history checks, other regulations pertaining to termination of employment or revocation of a teaching license, and requirements for mandatory reporting of suspected child abuse. Our analysis of relevant laws focused solely on statutory provisions at the state level because of their greater degree of permanence. We did not analyze state regulations or policies, nor any laws, regulations, or policies at the local or school district level. We performed our work from April 2010 to September 2010 in accordance with standards prescribed by the Council of the Inspectors General on Integrity and Efficiency.

Cases of Individuals with Histories of Sexual Misconduct Hired or Retained by Public and Private Schools

Our 15 cases show that individuals with histories of sexual misconduct were hired or retained by public and private schools as teachers, administrative and support staff, volunteers, and contractors. In at least 11 of these 15 cases, schools allowed offenders with histories of targeting children to obtain or continue employment. Even more disturbing, in at least 6 of the cases, offenders used their new positions as school employees or volunteers to abuse more children after they were hired. We identified the following factors contributing to these employment actions.

Voluntary Separations and Positive Recommendations: In four of the cases we investigated, school officials allowed teachers who would have been subject to disciplinary action for sexual misconduct toward students to resign or otherwise separate from the school rather than face punishment. As a result, these teachers were able to truthfully inform prospective employers that they had never been fired from a teaching position and eventually were able to harm more children. In three of these four cases, school officials actually provided positive recommendations or reference letters for the teachers. We found that suspected abuse was not always reported to law enforcement or child protective services. Examples from our case studies include the following.

-
- An Ohio teacher was allowed to resign after a school investigation revealed he was having relationships with students that were “too much like boyfriend and girlfriend.” However, district officials felt that they still did not have enough evidence to fire the teacher. Subsequently, the school superintendent wrote him a letter of recommendation, which the offender used to apply to a second Ohio school district, describing him as possessing “many qualities of an outstanding teacher.” The school did not provide us with any evidence that this suspected abuse was reported to law enforcement or child protective services. The teacher was later convicted for committing sexual battery on a sixth grade girl at the second Ohio school district.
 - A Connecticut public school district compelled a teacher to resign after he accessed pornography on a school computer. Although the school district reported the abuse to child protective services, a district administrator told another Connecticut school seeking a reference that they would rehire the teacher “without reservation.” A second Connecticut school district also compelled him to resign, but his separation specifically directed all inquiries from future employers to the superintendent and agreed that he would provide a letter of recommendation. This school district also provided him with positive references. He was eventually hired by a third Connecticut school district, where he was convicted of sexually assaulting two students.
 - A Louisiana private school district allowed a teacher’s contract to expire after his eighth grade students searched his name on the Internet and discovered he was a registered sex offender. The school did not pursue action or notify authorities, but did provide him with a letter of recommendation, which he used to apply to another Louisiana school, which eventually hired him.⁷ There, he is alleged to have engaged in inappropriate conversations with a student using an instant messaging service.

The school officials we interviewed cited a variety of reasons for allowing the resignations and providing the recommendations. One administrator told us that it could cost up to \$100,000 to fire a teacher, even with “a slam dunk case.” Other officials told us that, depending on the terms of a separation agreement, school administrators may not be able to provide anything less than a positive recommendation for an employee for fear of

⁷Although the school principal denied providing this reference, she told us that a staff member may have done so in her absence.

potential lawsuits. One expert we spoke with noted that it is often easier and faster for school administrators to remove a problem teacher informally in order to protect the children within their own district, especially when the administrator agrees to provide a positive recommendation to encourage a resignation.

Nonexistent Preemployment Criminal History Checks: In 10 of our 15 cases, school officials did not perform preemployment criminal history checks on prospective employees, including teachers, administrative staff, maintenance workers, volunteers, and contractors. As a result, registered sex offenders were allowed to gain access to both public and private schools. In 7 of these 10 cases, the offenders had been convicted for offenses against children and in at least 2 of the cases, they subsequently committed sexual crimes against children at the schools where they were working or volunteering. The documents we reviewed and the officials we spoke with indicated that the schools chose to forego these checks for a variety of reasons, including that they felt that the process was too time-consuming and costly or that the positions in question would not require daily interaction with children. We found that although the cost of performing a criminal history check varies by state, generally a fingerprint-based national and state check ranges from \$21 to \$99, paid by either the applicant or the school, and takes as long as 6 weeks to complete. Some schools also told us that they do not perform criminal history checks for support staff, such as maintenance workers, until after they have reported to work. Examples from our case studies including the following.

- An Arizona public school hired a teacher who had been convicted in Florida for lewd and lascivious acts with a minor. The school chose not to conduct a criminal history check on the teacher because it was in a hurry to fill the position. Ultimately, the offender was arrested and convicted for sexually abusing a young female student at the school.
- A church-run private school in Ohio employed a maintenance worker who had been convicted in California for lewd and lascivious acts with two minors. The school told us it did not conduct a criminal history check because the maintenance worker was supposed to work primarily for the church that operated the school. However, officials told us that he had regularly worked at the school and frequently interacted with the children, going so far as to buy them meals.
- In New York, a public school employed a maintenance worker for 5 months until the results of a criminal history check conducted after he had already reported to work revealed that he had been convicted of

raping a woman at knife point and was classified as a threat to public safety.

- A Florida public school allowed an individual who was convicted of having sex with an underage male to work as a volunteer coach without a criminal history check, even though school policy provided that volunteers would be subject to such checks. He was eventually arrested for having sexual contact with a student on one of the school's sports teams.

As we previously noted, state laws with regard to employing sex offenders and conducting criminal history checks vary widely; see appendix I for an overview.

Inadequate Criminal History Checks: Even if schools do perform criminal history checks on employees, they may not be adequate because they are not national, fingerprint-based, or recurring. For example:

- Schools in eight of our cases told us that they conducted state criminal history checks, which only reveal offenses committed by a prospective employee in the state where it is conducted. These schools were located in California, Ohio, New York, Michigan, and Louisiana. Although we did not identify any cases where conducting a state criminal history check resulted in hiring an employee who committed an offense in another state, such an outcome is highly likely.
- We identified one school in Michigan that used a name-based criminal history search to hire an administrative employee. This online search required officials to search for the precise name under which an individual's criminal background is recorded. However, the officials used a common nickname instead of the applicant's full name, so the search did not reveal his eight convictions, which included various sex offenses. A fingerprint criminal history check would likely have revealed these charges.
- None of the schools we spoke with indicated that they perform recurring criminal history checks. In fact, only a few states have laws requiring schools to conduct such recurring checks intended to identify individuals if they commit offenses while they are employed at schools. For example, we identified two cases where sex offenders were currently employed by California public schools, despite the fact that California has a "subsequent arrest notifications" process to track

the criminal history of employees after they are hired.⁸ For example, one school never received a subsequent arrest notification when one of its maintenance workers was convicted of sexual battery in 1999. Since they conducted no recurring criminal history checks, school officials were unaware of the employee's conviction until we notified them during the course of this investigation. In the other case, school officials received notice of an administrative employee's 2000 arrest for the molestation of a minor, but did not terminate his employment because they believed they were not legally obligated to do so. These officials subsequently left the school district and did not notify current staff about the arrest. Current officials told us they did not have any reason to examine the offender's employment file during their tenure. Consequently, these officials were not aware that they were employing a convicted sex offender until we notified them. A recurring background check would likely have alerted current staff to the offense.

Red Flags on Employment Applications: Many of the schools we spoke with require job applicants to self-report basic information regarding their criminal background, but in three of our cases, schools failed to ask applicants about troubling responses. For example, an applicant for an Arizona teaching position answered yes when asked if he had been convicted of "a dangerous crime against children." However, that school could provide no information to suggest that it followed up with the applicant or law enforcement about this admission before hiring the offender. The offender eventually was arrested for sexually abusing a young female student at the school. In the two remaining cases, applicants did not provide any response when asked about previous criminal history and school officials could not provide evidence that they had inquired about the discrepancy or required the applicant to provide the information. For example, a Michigan public school hired an administrative employee who had multiple convictions for sexual offenses. On his application, the offender did not respond to a question about whether he had ever been convicted of a crime, though he answered every other question on the application. Similarly, a California charter school hired an administrative employee who failed to answer a question about previous felony convictions, even though he had been convicted of a felony sex offense against a minor.

⁸Employees provide fingerprints at the time of hire and schools are later notified by California law enforcement authorities if an individual providing a matching fingerprint is arrested.

Table 1 provides a summary of the 15 cases we examined; a more detailed narrative on seven of the cases follows the table.

Table 1: Examples of Individuals with Histories of Sexual Misconduct Employed by K-12 Public, Private, and Charter Schools

| Case | Location and type of facility, offender's occupation, and employment dates | Case details |
|------|--|--|
| 1 | <ul style="list-style-type: none"> • Multiple Ohio public schools • Teacher/Coach • August 1993 to May 2006 | <ul style="list-style-type: none"> • An Ohio school district forced this teacher to resign after an investigation revealed his inappropriate conduct toward female students. • The school district provided a letter of recommendation for the teacher and he was hired at a neighboring district, where he was subsequently convicted for sexual battery against a sixth grade girl. |
| 2 | <ul style="list-style-type: none"> • California charter schools • Administrative employee • June 2007 to September 2008 | <ul style="list-style-type: none"> • In 1998, the offender was convicted in California of a felony sexual offense against a minor. • The school did not perform a criminal history check of any kind on this offender due to resource constraints and because he was being hired as an administrative employee, not a teacher. • When asked on his job application whether he had ever been convicted of a felony, he did not answer; the school could not provide evidence that it had inquired into his failure to respond. • He was fired after a parent uncovered his criminal history through a search of the California public sex offender registry and notified the school. • The school now requires all prospective employees to undergo a fingerprint-based state criminal history check. However, this check will not reveal offenses committed in other states. California law requires all schools to conduct national fingerprint-based checks on employees. |
| 3 | <ul style="list-style-type: none"> • New York public school • Maintenance worker • July 2008 to November 2008 | <ul style="list-style-type: none"> • In 1982, the offender was convicted in New York of raping a 21-year old woman at knifepoint behind a school; he was sentenced to 12 to 25 years in prison and classified as a level 3 sex offender, meaning that the offender is at high risk for repeat offenses and is a threat to public safety. • The school hired him "conditionally," meaning he was allowed to report to work prior to the completion of a state criminal history check. School officials told us they do not always perform these checks prior to employment because they considered the process both cost and time prohibitive. • The school fired the offender when the state criminal history check was completed; he was recently incarcerated for failure to comply with sex offender registration requirements. |
| 4 | <ul style="list-style-type: none"> • Illinois public school • Administrative employee • November 2007 | <ul style="list-style-type: none"> • In 1992, the offender was convicted in Wisconsin of sexually assaulting a 9-year-old girl. • Through a series of contract arrangements, he was sent to a public school on a temporary basis as an administrative employee; alert administrative assistants called police when the offender was reluctant to sign the school's visitor log. • The offender failed to comply with an Illinois law that required him to report his employment status and work in schools to the police. • Neither the school nor any of the contractors responsible for his employment performed a criminal history check of any kind. • In January 2008, the offender pled guilty to multiple counts of Unlawful Presence within a School Zone. |

| Case | Location and type of facility, offender's occupation, and employment dates | Case details |
|------|--|--|
| 5 | <ul style="list-style-type: none"> • Michigan public school • Administrative employee • October 2002 to December 2005 | <ul style="list-style-type: none"> • The offender had multiple convictions for sex offenses in Michigan going back to the early 1970s. • On his employment application, he did not answer a question about his criminal history; a school official could not provide evidence that the school followed up on this discrepancy before hiring him. • The school district conducted a state criminal history check after the offender was hired using a variation of his first name, but it failed to reveal his extensive criminal history. The school did not conduct a fingerprint-based criminal history check. • This individual was never identified as a sex offender and he worked at the school for over 3 years, until he was terminated for not getting along with coworkers. • According to police, the new state criminal history check system would likely have identified the offender if the same name search was conducted today. However, the search would not identify convictions in other states. |
| 6 | <ul style="list-style-type: none"> • National school contractor • Two exam overseers • 2005 to 2009 | <ul style="list-style-type: none"> • In May 1997, the first offender was convicted in California for multiple sex crimes against a child. • In July 2007, the second offender was convicted in California for engaging in lewd and lascivious acts with a child. • Both offenders were hired as exam overseers by testing center supervisors stationed at California public high schools (on behalf of a national contractor) without receiving a criminal history check. To our knowledge, they are no longer exam overseers in California. |
| 7 | <ul style="list-style-type: none"> • California public school • Administrative employee • August 1998 to October 2010 | <ul style="list-style-type: none"> • In 2000, the offender was convicted of misdemeanor sexual battery for restraining and molesting a minor. • The school was notified of his arrest and conviction by California police in 2000, but did not terminate his employment. The school was again notified of the offender's criminal history by GAO in July 2010. • After we notified the school of his criminal history and referred the case to the California Attorney General and California Department of Education, school officials placed the offender on administrative leave. He has since resigned. |
| 8 | <ul style="list-style-type: none"> • California public school • Maintenance worker • April 1985 to August 2010 | <ul style="list-style-type: none"> • In 1999, the offender was convicted in California of misdemeanor sexual battery for groping a pregnant, blind woman. • The school never received notice of his sex offender status even though California has a subsequent arrest notification process for school employees. In addition, the offender lied in response to a question about his criminal background on a 2008 promotion application. • After we notified the school of his criminal history, school officials confronted the offender and he immediately resigned. |
| 9 | <ul style="list-style-type: none"> • Multiple Connecticut public schools • Teacher • August 2002 to December 2008 | <ul style="list-style-type: none"> • This offender was compelled to resign midyear from one Connecticut public school district for accessing pornography on his school computer. • This school provided a positive recommendation to another district, where the teacher continued to have disciplinary problems. • He was again compelled to resign midyear; this school district also provided him with positive references. • While at yet another school, the teacher was arrested and convicted for sexually assaulting multiple underage female students. |

| Case | Location and type of facility, offender's occupation, and employment dates | Case details |
|------|---|--|
| 10 | <ul style="list-style-type: none"> • Ohio private school • Maintenance worker • June 2003 to June 2008 | <ul style="list-style-type: none"> • In 1989, the offender was convicted in California for engaging in lewd and lascivious acts with two minors. • He moved to Ohio, where he was hired as a maintenance worker without receiving a criminal history check of any kind by a church which operated a private school. • He provided custodial services regularly for the private school and interacted with children, going so far as to buy them meals. • His employment was terminated when he was arrested in June 2008 for failing to comply with sex offender registration requirements. |
| 11 | <ul style="list-style-type: none"> • Multiple schools in Maryland and Virginia • Teacher • November 2000 to March 2010 | <ul style="list-style-type: none"> • Beginning in the early 1990s, this teacher is alleged to have engaged in a pattern of repeated abuses of underage students that he met through foreign exchange programs and school contacts. • One Maryland public school, when faced with allegations of inappropriate conduct toward students, quietly allowed the teacher's contract to expire, rather than taking any disciplinary actions. The school later banned the teacher from school property. • At a Virginia public school, a parent provided school administrators with copies of inappropriate internet conversations; the school determined that since no laws were broken, there were no grounds to dismiss the teacher. • In July 2010, the offender pled guilty in Virginia to sexually abusing a 17-year-old student; he has been indicted on federal child pornography charges and is currently under investigation by North Carolina police for the alleged molestation of a 10-year-old disabled boy in 1978. |
| 12 | <ul style="list-style-type: none"> • Arizona public school • Teacher • August 2001 to January 2002 | <ul style="list-style-type: none"> • In 1994, the offender was convicted in Florida for engaging in lewd and lascivious acts with a minor. • The Arizona school circumvented its normal hiring practices by allowing him to report to work as a teacher before the completion of a required fingerprint criminal history check, even though the offender had partially disclosed his criminal history on his application. • The school also failed to verify that he met basic job requirements: he had no state teaching certificate and his resume listed positions as a rental car worker, a lifeguard, and athletic trainer, but no history of classroom instruction. • After he began work, the offender failed to submit legible fingerprints for the background check, but the school never followed up to make sure his criminal history check was completed. • The school terminated his employment when he was arrested for inappropriate sexual contact with a young female student; an investigation revealed extensive sexual communiqués with the victim and video recordings of nude underage girls at a local pool. |

| Case | Location and type of facility, offender's occupation, and employment dates | Case details |
|------|--|---|
| 13 | <ul style="list-style-type: none"> Louisiana private and public schools Teacher June 2006 to October 2007 | <ul style="list-style-type: none"> The offender was convicted on multiple counts of indecent exposure from 1989 to 1998, which led to the revocation of his Texas teaching certificate. A Louisiana private school desperate to hire teachers in the aftermath of Hurricane Katrina allowed the offender to report to work without receiving a criminal history check. His contract was allowed to expire after his students discovered he was a sex offender, but no disciplinary actions were taken against him, and he was provided with a positive letter of recommendation. A Louisiana public school hired him the day before the following school year started and again allowed him to report to work without a criminal history check. He resigned after he was confronted with allegations that he had engaged in inappropriate sexual conversations with a student, for which he was charged with a second sex offense in 2007; a warrant is currently out for his arrest. |
| 14 | <ul style="list-style-type: none"> Florida public school Volunteer coach Unknown to January 2009 | <ul style="list-style-type: none"> In 2008, the offender was convicted for engaging in consensual sex with an underage male. He worked as a volunteer coach for a Florida high school without receiving a criminal history check, even though school policy required such checks for volunteers. He was arrested in 2009 for again having sex with an underage male, a member of one of the school's athletic teams who he had met through his coaching position. The charges are still pending and the offender is incarcerated while awaiting trial. |
| 15 | <ul style="list-style-type: none"> California public school Arts volunteer October 2008 to January 2009 | <ul style="list-style-type: none"> Beginning in 1969, the offender was convicted of multiple sex offenses, including a felony conviction in 1999 for engaging in sex with two underage boys; police noted that he specifically targeted troubled youths. He volunteered with a school arts program without receiving a criminal history check. School officials only learned of his criminal history when he was arrested in February 2009 for failing to comply with his sex offender registration requirements. |

Source: Records including police reports, court documents, and interviews.

^aA charter school is a public school that has been exempted from many of the statutes and regulations that apply to public school districts. The "charter," a license to operate, is granted by the local school district, county office of education, or state department of education.

Case 1: After being forced to resign from teaching at one Ohio public school system due to allegations of inappropriate relationships with female students, this offender received a letter of recommendation, and was hired to teach at a second Ohio public school district where he was later convicted of sexual battery against a student.

In August 1993, the offender began working at the first Ohio public school district as a teacher and also coached several sports. During his fourth year of teaching, an investigation confirmed that the teacher was acting inappropriately toward multiple female students. According to the summary of this investigation, the superintendent found that multiple coworkers agreed that the teacher's relationships with female students were "too much like boyfriend/girlfriend." Coworkers also noted that the

teacher was found in a room with the lights off supposedly counseling a female student on more than one occasion and that he would become overly infatuated with a single girl each year. Further interviews with students, parents, and the teacher himself corroborated these allegations. For example, parents of the female athletes he coached agreed there was generally too much touching of the players. One student noted that a number of girls dropped out of his class because of the way he behaved around female students. When confronted with allegations that some of his behavior was inappropriate, the teacher responded that “the girls loved what [he] was doing.” The school did not provide us with any evidence that this suspected abuse was reported to authorities.

According to the current superintendent, district officials did not feel they had enough evidence to terminate the teacher and therefore gave him 1 year to find a new job.⁹ The teacher submitted his letter of resignation in April 1997, effective in July 1997.¹⁰ Despite having requested his resignation, the former district superintendent provided the teacher with a letter of recommendation which noted that the teacher “exhibited many qualities of an outstanding teacher” and “has an outgoing personality which is an asset in this area of instruction.” In contrast, the former superintendent also sent a letter directly to the teacher saying that the teacher was at least guilty of “poor judgment” and “behavior unbecoming a professional educator.” Although we were unable to locate the former superintendent to ask why he wrote such conflicting letters, the current superintendent said he believed that the former superintendent feared that the teacher would file a lawsuit if he disclosed any incriminating information.

Two months after his resignation, the teacher used the letter of recommendation from the former superintendent to apply for a position as a teacher at a second Ohio public school district. The teacher worked at the second school for nearly a decade, until 2006, when he was indicted on two counts of sexual battery by the county prosecutor. This indictment alleged that, several years prior, he committed sexual battery on a sixth grade girl while in a position of authority and employed by a school. The detective who investigated the case said that the local police department

⁹The current superintendent of the school system was not in office when the investigation occurred.

¹⁰Though the teacher submitted a letter of resignation, he did protest the investigation, arguing that other teachers at the school were maliciously targeting him.

found out about the sexual battery years after it occurred because the victim decided to come forward with the allegations. During the investigation, the police obtained undercover recordings where the teacher incriminated himself by describing sexual acts performed between him and the victim. According to the detective who investigated the sexual battery case, the second school district was never informed of any allegations of inappropriate conduct by the first school district. In May 2006, the teacher pled guilty to both counts of sexual battery and was sentenced to 2 years in state prison.

Case 7: This administrative employee was convicted of misdemeanor sexual battery while employed at a California public school district. Even though the school district was notified of his arrest and conviction by police in 2000 and by GAO in July 2010, district officials decided to retain him as an employee. After we referred this case to the California Attorney General and the California Department of Education, the school district placed this individual on administrative leave. He has since resigned.

In August 1998, this man was employed as an administrative employee in a California public school district. In February 2000, he molested a minor and the arresting officer charged the offender with a felony sex offense. In May 2000, a California court convicted him of misdemeanor sexual battery. The offender received a 120-day prison sentence and 3 years probation for the misdemeanor conviction and was required to register as a sex offender. Notes from the offender's personnel file at the school district indicate that he may have served his prison time using personal leave, which was known to school officials.

In March 2000, district officials were notified of the offender's arrest by police through California's subsequent arrest notification system, wherein the fingerprints a school employee submits during the hiring process are used to track any arrests occurring during his tenure as an employee. California law prohibits an individual convicted of an offense requiring registration as a sex offender from being hired or retained by a public school district. Once notified of the arrest, the offender's lawyer, former district personnel officials, and a consulting lawyer for the district met to discuss whether the district could fire the offender. The district ultimately decided to retain him. According to the consulting lawyer for the district, the district believed that the offender's continued employment was "within the letter and intent of California law."

In July 2010, we notified current district personnel officials that an administrative employee in their school system was in fact a registered sex

offender. When we asked why he had been allowed to retain his position, a current district personnel official stated that no district officials were aware of his sex offender status, even though his employment file contained documentation on the arrest, charges, and conviction, as well as notes from the March 2000 discussion. The personnel officials explained to us that they did not have any reason to examine the offender's employment file during their tenure. District officials stated that while all new applicants to the district are subject to a state criminal history check (including submission of fingerprints to the California Department of Justice), existing employees are not subject to recurring criminal history checks. Had a recurring criminal history check been performed, current personnel officials may have been made aware of the offender's conviction. According to a current district personnel official, improved information sharing between former and current district personnel officials would have increased the likelihood of the school district taking appropriate action to safeguard students from the offender. In addition, while the offender had been registering his school employment with the local police in accordance with his sex offender registration requirements, police did not inform the school after the original subsequent arrest notification. After we referred this case to the California Attorney General and the California Department of Education, the school district placed this individual on administrative leave. He has since resigned.

Case 8: This maintenance worker was convicted of misdemeanor sexual battery while employed by a California public school district. Since the district did not perform any recurring criminal history checks, district officials remained unaware of his conviction until we notified them. After this notification, district officials immediately confronted the offender, who resigned.

In April 1985, this offender began employment in a California public school district as a maintenance worker. After he was hired, the offender groped a pregnant, blind woman and was subsequently convicted in California in 1999 for misdemeanor sexual battery.¹¹ He received a 120-day prison sentence and 3 years probation, and was required to register as a sex offender. The offender later told school officials that he had served his prison sentence while on leave from the school district for a work-related injury. In 2009, the offender was promoted after over 2 decades of service in the same California public school district. On his promotion application,

¹¹He had previously been convicted in California in 1979 of battery.

the offender falsely stated he was never convicted of a misdemeanor or felony.

In July 2010, we notified school officials that this individual was currently employed in their district even though the California Education Code prohibits individuals convicted of sexual battery from retaining employment in California public schools. District officials then confronted the offender, who resigned immediately. Though the offender's employment had continued for over a decade after his conviction, the officials told us that they were not aware of his status as a sex offender, despite California's subsequent arrest notification process. The human resource official responsible for receiving subsequent arrest notifications confirmed that the offender had passed a fingerprint criminal history check when he was hired. Even though the offender's fingerprints should have been on file, the district did not receive any notifications from California police about his conviction. In addition, district officials told us that school employees are not subject to recurring criminal history checks and confirmed that no documentation of the offender's arrest or conviction existed in district records. District officials also told us that the offender had work-related injuries requiring absences from work. At the time of his resignation, the offender told school officials that one of those absences coincided with his prison term.

We were unable to determine why the subsequent arrest notification process failed. However, a police officer involved with the maintenance worker stated that he had registered as a sex offender in accordance with annual requirements since his conviction. The officer, who just began working with sex offenders in 2010, noted that the offender correctly reported to law enforcement that he was currently employed by the California public school district. However, the officer stated that he did not question the offender further on his employment during their meetings even though California prohibits sex offenders from being employed at schools. The officer stated that he had no reason to believe the offender was inappropriately employed because the offender had been working in the California school district during each of the 12 years he had registered as a sex offender.

Case 9: After being compelled to resign from teaching in two Connecticut school districts—due to accessing pornography on school computers at one district and for “performance reasons” at the other—this offender received positive recommendations from both districts and was hired to teach at another Connecticut school district, where he was convicted of sexual assault against two students.

In early December 2003, a Connecticut public school district compelled a teacher to resign in the middle of his second year of teaching for accessing pornography on school computers. In mid-November, the school district had placed the teacher on paid administrative leave pending an investigation into allegations that his computer was used to access pornographic Web sites. According to one district official, the teacher claimed that he had allowed students to access his computer account, and that the students had accessed the pornographic Web sites. The school reported the potential child abuse to state authorities for investigation, but before taking further disciplinary action, the school district reached a separation agreement with the teacher. This agreement was signed by the school district, the teacher, and the local teachers' union, and required the teacher to unconditionally resign. The agreement also required the teacher to waive all rights to file any claim against the school district related to his employment or separation from employment. The agreement did not contain a confidentiality or nondisclosure clause. The teacher submitted a letter of resignation stating that his separation was for "personal reasons," effective December 2003.

Beginning in January 2004, the teacher worked as a substitute teacher in a nearby school district, where he worked for the remainder of the school year, until obtaining a permanent position as a teacher in a third Connecticut school district in July. The application for teaching in this school district required the teacher to provide his employment background with employment dates, but did not ask for reasons for leaving any previous jobs. Although the school district did not require any references, the teacher submitted three letters of recommendation. One of those recommendations came from an administrator of the district which had forced the teacher's resignation in December 2003 and was dated 1 week after the separation agreement was finalized. When we asked the district's legal counsel why the administrator provided a positive recommendation, he told us that the administrator claimed that she was unaware of the reason for the teacher's resignation and that she was only providing a positive recommendation regarding his classroom performance.

In March 2007, the teacher again submitted a midyear resignation letter, although he taught through the end of that school year. According to one school district official involved in the process, the teacher's resignation was requested for "performance reasons." The school district and the teacher signed a confidential memorandum of understanding outlining the terms of the teacher's resignation: the teacher would submit an irrevocable letter of resignation effective at the end of the school year

stating “personal reasons.” The memorandum of understanding further stipulated that all requests for information regarding the teacher would be directed to the superintendent and that the superintendent alone would be allowed to provide references for the teacher.

Despite the compelled departure from two school districts, in July 2007 the teacher received positive recommendations from both school districts when he applied for and obtained a similar teaching position at a high school in a fourth Connecticut school district. On the application that the teacher submitted for this job, when asked whether he had ever been fired by an employer or told he would be fired if he did not resign, the teacher responded “No.” As requested, the teacher submitted three references, all of which were from the most recent school district where he had worked.¹² School officials told us that because the three submitted references only covered one of the two school districts listed as prior employers in the teacher’s application, they contacted the other district and spoke to an administrator to receive an additional reference. All four references—including the administrator from the district which forced the teacher’s resignation for accessing pornography—gave positive reviews of the teacher and stated that they would rehire him without reservation. According to one school official involved in the hiring process, the principal of the school from which the teacher was forced to resign for accessing pornography only stated that the teacher left his job because of “family issues and personal problems.” The same official told us that had the school known about the teacher’s forced resignations, it would have hired another candidate.

In December 2008, during his second year at his new position in the fourth Connecticut school district, the teacher again resigned in the middle of the school year for “personal reasons,” this time when confronted by school administrators with allegations of having an inappropriate relationship with a 17-year-old student. At the time of his resignation, the teacher admitted to kissing the student. According to the superintendent, the district intended to suspend the teacher but was preempted by the

¹² According to the superintendent of this school district, as a result of this incident, since fall 2009 the district hiring procedures for teachers now include an additional reference check directly with the human resources department of all prior places of employment concerning the circumstances of an applicant’s separation from employment. The superintendent told us that sometimes the terms of a “letter of separation” can prevent a principal from disclosing information which a representative from human resources could disclose.

teacher's immediate voluntary resignation. The superintendent did request that the state Board of Education revoke the teacher's certification.¹³ A subsequent investigation conducted by the police and the Department of Child and Family Services revealed that the teacher had intimate relations with two students, including sexual intercourse in the school's auditorium. In 2009, he pled guilty to two counts of second degree sexual assault, was sentenced to 7 years in prison and 20 years probation, and required to register as a sex offender.

Case 11: Despite allegedly engaging in a pattern of repeated sexual abuse of underage male students, this offender taught at several schools in Maryland and Virginia before recently pleading guilty to sexually abusing an underage student at a Virginia public school at which he taught. He is currently under investigation by state and federal authorities for numerous offenses dating back to 1978 and was indicted by a grand jury on multiple federal child pornography charges.

The offender's pattern of abuse against students began in the early 1990s. At that time, he was teaching English to students in Japan. In 1994, the offender accompanied an underage Japanese student on a trip to the United States for several weeks. The offender allegedly provided the student with sufficient alcohol to cause unconsciousness and then sexually abused him, as evidenced by video recordings and photographs kept by the offender. In 1999, after returning to the United States, the offender hosted an underage Danish exchange student who, during his stay, found pictures in the offender's possession which indicated that the offender had abused him. According to the student, after a confrontation, the offender apologized and burned the photos, but investigators recently found copies of the photos remaining in the offender's possession. At the time, the offender confided in someone regarding this incident, who subsequently contacted police. At the offender's urging, the exchange student told police that nothing improper had happened. Based on the student's statements, police discontinued the investigation.

In November 2000, a public school district in Maryland hired the offender as a teacher. In 2002, the parents of a district student contacted the offender directly to request that he stop calling their son because they felt the contacts were inappropriate. While the parents did not contact the school district directly, rumors about inappropriate relationships reached

¹³The teacher's certificate was revoked in November 2009 after his criminal conviction.

the school board and the alleged inappropriate contact was a discussion point as the district was deciding whether to keep the teacher or quietly allow his contract to expire. We do not know whether school officials contacted local law enforcement about their suspicions. In June 2003, the offender's contract with the district was allowed to expire. The district also banned the offender from district property.

In September 2003, the offender began hosting an underage German exchange student. The foreign exchange company received complaints of threatening behavior about the offender from the exchange student and removed the student from the offender's home immediately, with the help of local police. In May 2004, the student sought a restraining order against the offender, but the judge stated that the harassment described was not grounds for a restraining order and denied the request. The offender is alleged to have sexually abused this exchange student, again evidenced by videos, photographs, and other mementos kept by the offender.

In August 2007, the offender began teaching in a Virginia public school district using multiple positive letters of recommendation as references. In September 2008, a concerned parent confronted the offender about inappropriate conversations with two underage boys (her son and a friend) through a networking Web site. The parent also provided copies of the inappropriate conversations to the school's administration. The school's principal spoke to the offender and told him not to have any contact with the two boys. The principal, in consultation with lawyers, a school human resource officer, and local police, determined that since no laws had been broken, the school had no grounds to dismiss the offender, despite the evidence provided by the parent.

In February 2010, an underage student alleged that the offender provided him with alcohol and engaged in inappropriate sexual contact. The offender was arrested in February 2010 on felony charges for sex offenses involving a minor. He pled guilty to these charges and was sentenced to 1 year in prison in October 2010. During the investigation of this case, law enforcement officials discovered extensive evidence of sexual abuse of numerous unidentified underage males, including handwritten recollections, homemade videos, and photographs. He has been charged by federal authorities with numerous counts of possession of child pornography and transporting it across state lines. In addition, North Carolina police are currently investigating the alleged molestation of a 10-year-old disabled boy at the offender's family home in 1978.

Case 12: This offender was convicted of sexually assaulting a minor in Florida and subsequently worked as a teacher in a school in Arizona for 6 months without having his criminal history or educational qualifications verified by the school district.

In March 1994, the offender was convicted in Florida of lewd and lascivious assault against a victim under the age of 16. The offender was given probation but was imprisoned for a violation from July 1996 to June 1999. Once released, he was required to register as a sex offender permanently. He moved to Arizona in 2001. In August 2001, an Arizona school district hired the offender as a teacher. On his application for the position, the offender was asked several questions regarding his criminal history, and he correctly responded that he had been convicted of “a dangerous crime against children,” but failed to provide the complete details of his conviction, as the application required. When we asked the school how they had responded to this disclosure, they were unable to provide any information to suggest that they had independently verified any of the offender’s responses or requested the missing details of his conviction. In addition, his resume listed an employment history including positions as a rental car worker, a lifeguard, and athletic trainer, but no history of classroom instruction. The teaching position he held also required a teaching certificate, but there is no documentation from the school to show that the offender received or submitted such a certificate.

In addition to failing to verify his educational requirements, the school district neglected to conduct a criminal history check on the offender. Arizona requires criminal history checks for all public school employees. To complete the check, the applicant must turn in his/her fingerprints to the Arizona Department of Public Safety (DPS), which performs a state and federal criminal history check. Once the Arizona DPS completes the criminal history check and verifies that the applicant is suitable for school work, a fingerprint clearance card is issued, which the applicant must then send to the Arizona Department of Education. According to school officials, this process can take up to 90 days. In this case, the school district circumvented this requirement because it was anxious to fill the position before school started. Instead of treating the offender as an employee applying for a teaching position, the school district treated him as though he were applying for a nonteaching position, such as a food service worker or a bus driver.¹⁴ The school district performed a verbal

¹⁴Arizona law requires criminal history checks for all public school employees.

reference check, and allowed the offender to provide a fingerprint clearance card at a later date. The district's verbal reference check involved contacting employment references, provided by the applicant, and asking questions such as, "Has this applicant ever sexually abused a minor?" In this case, the offender provided references who gave glowing recommendations.

As requested by the school, the offender eventually sent fingerprints to the Arizona DPS, but the Arizona DPS sent back a letter several months later stating that the fingerprint criminal history check could not be completed because the submitted fingerprints were smudged. A message was placed in the offender's personnel file noting the need for him to complete the fingerprint criminal history check, but there was no indication of any additional follow-up by school officials on the subject.

In January 2002, the offender was arrested for sexually abusing a young female student between December 2001 and January 2002. The offender was alleged to have touched the girl at the school and to have sent the girl sexually explicit letters. Officers investigating the case found multiple letters between the offender and the girl containing mature sexual content, some in a gym bag the offender was carrying at the time of his arrest. Police also found a home video recording of girls changing into bathing suits and walking around naked in a restroom. The offender could be heard adjusting the camera and talking on this video, which the Arizona police suspected was shot at a pool where the offender had previously worked as a manager.

The offender was found guilty of felony sexual abuse and luring a minor for sexual exploitation in 2002. He was sentenced to 4 years in prison, as well as 15 years probation. In 2010, he was convicted for failing to register as a sex offender as required. He was sentenced to 12 years in prison, and is currently incarcerated.

Case 13: In June 1998, this man was convicted for the second time for misdemeanor indecent exposure and was required to register as a sex offender. He was a teacher in Texas at the time, and remained there until May 2001, when his teaching certification was permanently revoked for engaging in a pattern of sexually inappropriate behavior. At least two schools in Louisiana, one private and one public, subsequently hired him without conducting criminal history checks. He continued to teach at the public school until October 2007, when he voluntarily resigned after being accused of having inappropriate sexual conversations with students.

With the loss of his Texas teaching license in 2001, the offender taught in Mexico temporarily then moved to Louisiana. According to his resume, he worked at a series of Louisiana public and private schools from August 2002 until June 2006; we were unable to verify the circumstances leading to this employment. In June 2006, he was hired by a high school in a Louisiana private school district. The principal mistakenly assumed he had received a Louisiana criminal history check from a prior Louisiana school, and, desperate to hire teachers in the aftermath of Hurricane Katrina, allowed the offender to report to work without conducting a criminal history check. The principal did, however, contact a Louisiana private school that was listed as a previous employer for an oral reference, and the offender was highly recommended. He worked for 1 year on a year-to-year contract before eighth grade students identified him as a sex offender after conducting an Internet search for photos of him for a school event. His contract was allowed to expire, but no disciplinary actions were taken against him and we found no evidence that the school contacted law enforcement to report the offender's presence in the school. After the expiration of this contract, the principal contacted the private school that had provided a positive reference for the offender to determine why she had not been provided with information on the offender's past. The private school officials she spoke with stated that the specific individual who had provided the reference was a close friend of the offender, and that no one else at the private school would have provided a positive reference.

The day before the beginning of the 2007-2008 school year, a principal from a Louisiana public high school hired the offender to begin immediately teaching, based on a resume appearing on an online job search Web site for prospective teachers. Because the hire occurred so close to the beginning of the school year, school officials told us they did not complete a state criminal history and reference checks before the offender reported for duty. School officials told us that, at that time, completing the state fingerprint background check generally took between 3 and 6 months.¹⁵

In his application to work for the school, the offender falsely stated that he had not been convicted of a criminal offense and that he held or was eligible for a teaching certificate in Texas. The offender further indicated that he was in the process of applying for a Louisiana teaching certificate;

¹⁵Since the time of this case study, the school district has purchased an electronic fingerprint machine which returns the results of a fingerprint check immediately.

however, the Louisiana teacher certification database holds no record of the offender. He also provided a letter of recommendation from the principal of the private school that had allowed his contract to expire in 2007. When we spoke to the principal regarding this recommendation, she told us that she had never personally provided a positive reference for the offender, but that a subordinate may have drafted the letter in her absence.

A few months into the school year, a parent of one of the students provided the principal with copies of inappropriate sexual conversations between the offender and a student over an instant messaging service. The school district began investigating the allegations and became aware of the offender's criminal history. The superintendent of the district told us that he intended to take action against the teacher, but was preempted by the teacher's immediate voluntary resignation. Police were notified of the allegations, which resulted in November 2007 charges of indecent behavior with a minor and failing to fulfill sex offender registration requirements. A warrant is currently out for his arrest on these charges.

Overview of Federal and State Laws Related to the Employment of Sex Offenders in K-12 Public and Private Schools

We found no federal laws regulating the employment of sex offenders in public or private schools and widely divergent laws at the state level, especially with regard to requirements and methods for conducting criminal history checks on employees. For a summary of laws related to the hire and retention of sex offenders by schools in all 50 states and the District of Columbia, see appendix 1.

Federal law: The Adam Walsh Child Protection and Safety Act of 2006 requires the Department of Justice to conduct a criminal history check for employees who work around children at the request of a public or private school. This check allows for a fingerprint-based criminal history search of the Federal Bureau of Investigation's National Crime Information Center database. However, federal law does not require schools to use this service. In addition, we found no federal laws that restrict the employment of sex offenders in public or private schools or that mandate criminal history checks for employees at these schools.

Prohibitions working in or being present at schools: A majority of states have enacted laws to restrict sex offenders from having access to schools, but they may only apply to select types of schools (e.g., public schools) in certain situations. Eighteen states have broad restrictions

prohibiting registered sex offenders from entering, or being a specified distance from, all schools.¹⁶ Seventeen states have some type of statute that specifically prohibits registered sex offenders from working or volunteering at or near schools.¹⁷ However, in some states such prohibitions may only apply to individuals who have been convicted of a felony.

Criminal history check requirements for public and private school employees: These requirements vary widely. For example, 2 states do not appear to have any laws requiring criminal history checks for either public or private school employees.¹⁸ Twenty-five states and the District of Columbia require criminal history checks for all public school employees.¹⁹ Six states require criminal history checks for all public school employees and conditional checks for private school employees, often tied to such things as accreditation or acceptance of state scholarship funds.²⁰ Seven states require that both public and private school employees undergo criminal history checks.²¹ The remaining 10 states require checks only for select employees in certain situations. For example:

- Four states require criminal history checks for licensed teachers, but make no reference to other types of employees.²²
- Four states require checks for employees only if they have unsupervised or direct contact with children.²³

¹⁶Arkansas, Delaware, Idaho, Illinois, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, North Carolina, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Virginia, and Wyoming.

¹⁷Alabama, California, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Michigan, Missouri, Montana, North Carolina, Oklahoma, Tennessee, Washington, West Virginia, and Wisconsin.

¹⁸Kansas and Montana.

¹⁹Arizona, Arkansas, Colorado, Connecticut, Delaware, Georgia, Kentucky, Louisiana, Maine, Minnesota, Mississippi, Missouri, Nevada, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, and Washington.

²⁰Florida, Illinois, Indiana, Massachusetts, Utah, and Virginia.

²¹Alabama, California, Maryland, Michigan, Pennsylvania, Rhode Island, and Vermont.

²²Alaska, Iowa, West Virginia, and Wisconsin.

²³Hawaii, Idaho, North Dakota, and Wyoming.

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- One state only requires criminal history checks for certified teachers and administrators if they have not been residents in the state for 5 years.²⁴
 - One state requires individual public school districts to have a policy which determines which employees are subject to criminal history checks.²⁵

Criminal history check requirements for contractors and volunteers: Only five states require criminal history checks for all contractors at both public and private schools.²⁶ Seven states require criminal history checks for all contractors at public schools only.²⁷ Other states require criminal history checks for contractors only under select circumstances, typically if they have direct access to children. Only eight states require criminal history checks for those volunteering with children.²⁸

Method of conducting criminal history checks: As shown in appendix I, the vast majority of states specify that teacher and school employee criminal history checks are to be fingerprint-based and must check both national and state databases. However, not all states specifically require that criminal history checks be completed prior to an employee's start date. In addition, two states²⁹ limit the check to state databases, while another state limits the check to state databases if the employee or applicant has been a state resident for the prior 2 years.³⁰ In addition, some states specify that criminal history checks must be reperformed at specified intervals³¹ and some states rely upon a system of subsequent

²⁴Nebraska.

²⁵North Carolina.

²⁶California, Indiana, Massachusetts, Michigan, and Vermont. Pennsylvania requires such checks if the contractors have direct contact with children.

²⁷Arizona, Illinois, New Hampshire, New Mexico, North Carolina, Oregon, and Washington.

²⁸Arizona, Massachusetts, Minnesota, New Hampshire, New Jersey, South Carolina, Texas, Utah, and Washington.

²⁹Minnesota and South Carolina.

³⁰Pennsylvania.

³¹E.g., Massachusetts, Ohio, and Florida.

conviction or arrest notifications,³² but often such systems only catch subsequent convictions or arrests in the same state and may miss such events that occur in other states.

Termination of employment, revocation of license, or refusal to hire: Some states prohibit public schools from employing an individual convicted of a violent or sexual felony,³³ while others have a broader prohibition that applies to both public and private schools, as well as to contractors and employees.³⁴ Other states apply such mandatory disqualification criteria only to holders of teaching licenses or certificates.³⁵

Requirements to report suspected child abuse: All 50 states and the District of Columbia have statutes that mandate that teachers and other school officials report suspected child abuse, including sexual abuse, to law enforcement, child protection agencies, or both. Typically, these statutes require the teacher or official to have a reasonable suspicion that abuse occurred before making such a report. Although these statutes were developed with the goal of preventing abuse by parents or guardians, they also cover abuse by a teacher or school employee. Furthermore, several states have adopted additional statutory precautions to ensure that abuse allegations against school employees are not suppressed by school officials; however, at least half of the states do not have any such additional statutory precautions. These statutes vary widely across the states and require mandatory reporting such as

- superintendents must report to the state education department or licensing board the resignation or dismissal of a licensed educator following reports of alleged abuse;
- superintendents must report to law enforcement crimes, including sexual abuse, committed on school property; and
- prosecutors must report to the state education department or licensing board felony convictions of licensed educators.

³²E.g., Michigan and California.

³³E.g., Minnesota.

³⁴E.g., Louisiana.

³⁵E.g., Nevada.

As agreed with your offices, unless you publicly announce the contents of this report earlier, we plan no further distribution until 10 days from the report date. At that time, we will send copies of this report to relevant congressional committees, the Department of Education, and the Department of Justice. In addition, this report will be available at no charge on GAO's Web site at www.gao.gov.

For further information about this report, please contact me at (202) 512-6722 or kutzg@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report.

Sincerely yours,

A handwritten signature in black ink that reads "Gregory D. Kutz". The signature is written in a cursive style with a large, stylized initial 'G'.

Gregory D. Kutz
Managing Director
Forensic Audits and Special Investigations

Appendix I: Summary of State Laws Related to the Hiring and Retention of Sex Offenders

| State | Prohibitions on sex offenders working in or being present at schools | Criminal history check requirements for school employees, contractors, and volunteers | Offenses requiring mandatory termination of employment or revocation of license | Mandatory reporting requirements |
|-------|--|---|---|---|
| AL | Convicted sex offenders may not be employed within 500 feet of a school. | Public and private schools are required to conduct fingerprint-based FBI and state criminal history checks of employees with unsupervised access to children. | Individuals convicted of crimes involving the physical or mental injury, sexual abuse or exploitation, or maltreatment of a child are deemed unsuitable for employment. | All teachers and school officials must report known or suspected cases of child abuse or neglect to a duly constituted authority. If the report is received by the Department of Human Resources, it must report it to law enforcement. |
| AK | None located. | Teachers are required to undergo a fingerprint-based national criminal history check as part of the certification process. School bus drivers must undergo a fingerprint-based national criminal history check. | Individuals with a sex offense conviction may not hold a teacher certificate or a school bus driver license. | All public and private school teachers and employees are required to report to the Department of Health and Social Services when they suspect that a child has suffered abuse or neglect. Law enforcement who receive a report of abuse by a teacher are required to report the fact to the Professional Teaching Practices Commission. |
| AZ | None located. | Fingerprint-based federal and state criminal history checks are required of all certified teachers, public school employees, public school volunteers with unsupervised access to children, and employees of public school contractors and vendors. | Teachers convicted of sex offenses are subject to mandatory permanent revocation of their teaching certificate. | Licensed educators and school boards must report all reasonable allegations of misconduct by a licensed educator involving minors to the AZ Department of Education. All school personnel who reasonably believe that a child has been the victim of abuse must report to law enforcement or child protective services. |

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|--------------|--|--|--|--|
| AR | Registered sex offenders may not enter the campus of a public school. | Teachers are required to undergo fingerprint-based national and state criminal history checks as part of the licensing and renewal processes. School districts must conduct a fingerprint-based national and state criminal history check of all nonlicensed employees. | Individuals with a felony or sex offense conviction may not hold a teacher license or be employed by a public school. | Public school superintendents must report to the Board of Education any employee who is convicted of a felony or certain misdemeanors or who is the subject of a substantiated report in the Child Maltreatment Central Registry. School teachers and officials must notify the Child Abuse Hotline if they have reasonable cause to suspect a child has been subject to abuse. |
| CA | Registered sex offenders may not be an employer, employee, contractor, or volunteer in positions that involve working with children. | Fingerprint-based national and state criminal history checks are required for all certified teachers, public and private school employees, and public and private school contract employees who may have contact with pupils. | Public schools may not employ persons convicted of sex offenses or violent or serious felonies. Individuals with a sex offense or violent or serious felony conviction may not hold a teacher certificate. Private schools must notify all parents before hiring a convicted sex offender. | If a licensed educator is dismissed, suspended, placed on administrative leave, or resigns as a result of or while an allegation of misconduct is pending, the school must report the allegation to the Committee on Credentials. All public and private school employees must notify law enforcement or the county welfare agency if they know or reasonably suspect a child has been the victim of abuse or neglect. |
| CO | None located. | Fingerprint-based national and state criminal history checks and previous employer checks are required of all public school teachers. Fingerprint-based national and state criminal history checks are required of all public school employees. Private schools are authorized to conduct fingerprint-based national and state criminal history checks of their employees. | Public and charter schools may not employ anyone with a felony or sexual offense conviction. | If a public school employee is dismissed or resigns as a result of an allegation of unlawful behavior involving a child, the school district must notify the CO Department of Education. Any public or private school employee who has reasonable cause to know or suspect that a child has been subjected to abuse or neglect must notify law enforcement or the county human services department. |

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|--------------|--|---|---|--|
| CT | None located. | Fingerprint-based national and state criminal history checks are required of all public school employees. Private schools are authorized to conduct fingerprint-based national and state criminal history checks. | A conviction for child abuse or neglect or other selected serious felonies is grounds for revocation of a teaching certificate. | Prosecutors must notify the Commissioner of Education if a licensed educator is convicted of a felony. School teachers and officials who have reasonable cause to suspect a child has been abused or neglected must notify the Commissioner of Children and Families or law enforcement. |
| DE | Registered sex offenders may not loiter within 500 feet of a school. | Fingerprint-based FBI and state criminal history checks are required of all public school employees, school bus drivers, and public school student teachers. | A felony or child-victim conviction disqualifies an applicant from public school employment or a school bus license. | Public and charter schools must report to the DE Secretary of Education when a licensed educator is dismissed, resigns, or retires following allegations of misconduct. Any school employee who knows or in good faith suspects child abuse or neglect shall notify the Department of Services for Children, Youth and Their Families. |
| DC | None located. | Periodic fingerprint-based local and FBI criminal history checks are required of all employees and volunteers in city organizations that provide services to children. | None located. | School teachers and officials who know or have reasonable cause to suspect child abuse or neglect must notify law enforcement or the Child and Family Services Agency. |
| FL | Sex offenders on supervised release whose victims were minors may not work or volunteer at any school. | Periodic (every 5 years) fingerprint-based FBI and state criminal history checks are required of all public school teachers and employees and contractual employees who have direct contact with students or are permitted access to school grounds when students are present. Private school owners or operators are required to undergo a fingerprint-based criminal history check and are authorized to conduct such a check for their employees; if the private school accepts state scholarships, such checks are mandatory. | Individuals with a felony conviction or a misdemeanor conviction involving a child are prohibited from employment in a public school or a private school that accepts state scholarships if they will have contact with children. Owners or operators of private schools may not have been convicted of a felony involving moral turpitude. | Public, charter schools, and private schools that accept state scholarships must notify the FL Department of Education after receipt of allegations of misconduct against a licensed educator. School personnel must notify the state hotline if they know or have reasonable cause to suspect child abuse. |

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| State | Prohibitions on sex offenders working in or being present at schools | Criminal history check requirements for school employees, contractors, and volunteers | Offenses requiring mandatory termination of employment or revocation of license | Mandatory reporting requirements |
|--------------|---|---|---|---|
| GA | Registered sex offenders may not be employed by or volunteer at any school. | Fingerprint-based state and federal criminal history checks are required of all certified teachers and all public school employees. | None located. | Superintendents must report to the county board of education when an educator commits a sexual offense. School teachers and administrators with reasonable cause to believe that a child is a victim of abuse must notify a child welfare agency. |
| HI | None located. | Fingerprint-based FBI and state criminal history checks are required of all public and private school employees whose position places them in close proximity to children. | Conviction of a sexual offense is grounds for permanent revocation of a teaching license. | Employees or officers of any public or private school must notify law enforcement or the HI Department of Human Services if they have reason to believe that child abuse or neglect has occurred. |
| ID | Registered sex offenders may not enter school buildings or grounds or be involved in any school activity. | Fingerprint-based FBI and state criminal background and sex offender registry checks are required of all certified teachers, and public school employees with unsupervised contact with children. Private schools are authorized to conduct such checks of their employees. | Convicted felons may not receive a teaching certificate. | School districts must notify the ID State Department of Education when an educator is dismissed or resigns for a reason that could constitute grounds for certificate revocation. Teachers with reason to believe that a child has been abused or neglected must notify law enforcement or the ID Department of Health & Welfare. |
| IL | Registered sex offenders may not be employed by or volunteer at any facility providing programs or services to children. Registered sex offenders may not be present within 500 feet of a school. | Fingerprint-based FBI and state criminal background and sex offender registry checks are required of all public school employees and employees of contractors (including school bus operators). In order to obtain state recognition, a private school must conduct such checks on its employees. | Felons convicted of sexual or physical abuse of a minor may not be employed by a public school. Felons are ineligible for a school bus license. | Superintendents must notify the State Superintendent of Education when any licensed educator is dismissed or resigns as a result of child abuse or neglect. School administrators and employees must notify the Department of Children & Family Services if they have reasonable cause to believe a child is abused or neglected. |

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| State | Prohibitions on sex offenders working in or being present at schools | Criminal history check requirements for school employees, contractors, and volunteers | Offenses requiring mandatory termination of employment or revocation of license | Mandatory reporting requirements |
|--------------|---|---|--|---|
| IN | Persons convicted of sexually violent offenses or offenses against children may not work or volunteer on school property. | Fingerprint-based FBI and state criminal background and sex offender registry checks are required of all public, charter, and accredited private school employees and contractor employees. | Schools may not employ or contract with individuals convicted of violent or sexual felonies. | Public and private school employees who have reason to believe that a child has been abused or neglected must report the incident to law enforcement or the Department of Child Services. |
| IA | Registered sex offenders whose victims were minors may not be employed by, volunteer at, or serve as a contractor for a school. | Fingerprint-based FBI and state criminal background and sex offender registry checks are required of all public school teachers. | Conviction of a crime related to the teaching profession is grounds for revocation of a teaching license. Conviction of sex with a minor disqualifies an individual from holding a school bus license. | Public and private schools must report to the state education board if a licensed educator is terminated or resigns as a result of alleged or actual misconduct. Licensed educators must report child abuse to the IA Department of Human Services. |
| KS | None located. | None located. | Conviction of a violent, sexual, or child-victim offense disqualifies a teacher from receiving or renewing a teaching certificate. | School employees who have reason to suspect that a child has been harmed as a result of physical, mental, or emotional abuse or neglect or sexual abuse must notify the Department of Social & Rehabilitation Services. |
| KY | Registered sex offenders may not enter school property without advance permission of the principal or school board. | Fingerprint-based FBI and state criminal history checks are required of all public school teachers, student teachers, and employees. Public schools are authorized to conduct such a check of contractor employees, volunteers, and visitors. Private schools are authorized to conduct such checks of their employees. | Public schools may not employ individuals convicted of a sex offense felony. | Principals must report all sexual offenses that occur on school property to law enforcement. School personnel who have reasonable cause to believe that a child is neglected or abused must notify law enforcement. |

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| State | Prohibitions on sex offenders working in or being present at schools | Criminal history check requirements for school employees, contractors, and volunteers | Offenses requiring mandatory termination of employment or revocation of license | Mandatory reporting requirements |
|--------------|---|--|--|--|
| LA | Persons convicted of sexually violent offenses may not be present on school property without permission. Persons convicted of sexual offenses against victims under 13 may not be present within 1000 feet of a school without permission. Persons convicted of sexual offenses whose victims were minors may not be given parole or probation unless a condition of release is a prohibition on volunteering or working in a position that involves contact with children. | Fingerprint-based FBI and state criminal history checks are required of all public school employees and contractor employees. | Public and private schools may not employ or contract with an entity that employs individuals convicted of a violent or sexual felony if such individuals will have contact with students. | Public or private school personnel who have cause to believe that a child's physical or mental health or welfare is endangered as a result of abuse or neglect must notify law enforcement or child protective services. |
| ME | Convicted sex offenders whose victims were under 14 may not initiate contact with a child under 14 on school property. | Fingerprint-based national and state criminal history checks are required of all public school employees. | None located. | Teachers and school officials who know or have reasonable cause to suspect that a child has been abused or neglected must notify the district attorney. |
| MD | Registered sex offenders may not enter school property. | Fingerprint-based national and state criminal history checks are required of all public and private school employees. | Public or private schools may not employ an individual convicted of a violent felony or of child sexual abuse. | All educators who have reason to believe that a child has been subjected to abuse must notify law enforcement or the Department of Human Resources. |
| MA | The commissioner of probation must establish exclusion zones for persons on probation for sexually violent offenses or offenses against children to minimize contact with children. | Criminal history checks are required every 3 years of all public and accredited private school employees, volunteers, bus drivers, and contractor employees. | None located. | Public and private school teachers and administrators who have reasonable cause to believe that a child is suffering physical or emotional injury resulting from abuse must notify the Department of Social Services. |
| MI | Registered sex offenders may not work or loiter within 1000 feet of school property. | Fingerprint-based FBI and state criminal background and previous employer checks are required of all public and private school employees, contractor employees, and bus drivers. | Convicted sex offenders may not be employed in public or private schools. | School teachers and administrators must report suspected child abuse or neglect to the Department of Human Services. |

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| State | Prohibitions on sex offenders working in or being present at schools | Criminal history check requirements for school employees, contractors, and volunteers | Offenses requiring mandatory termination of employment or revocation of license | Mandatory reporting requirements |
|--------------|--|---|--|--|
| MN | None located. | State criminal history checks are required of all public employees and volunteers. Public schools are authorized to conduct such checks on independent contractors. School bus licenses require a criminal history check. | Public schools may not employ an individual with a conviction for a violent or sexual felony. | School boards must report to the state Board of Teaching when a teacher or administrator is dismissed or resigns as a result of commission of a felony or immoral conduct. Educational professionals who know or have reason to believe a child is being neglected or physically or sexually abused must notify law enforcement or the local welfare agency. |
| MS | Registered sex offenders may not be present on school property. | Fingerprint-based FBI and state criminal history checks are required of all public school employees and substitute teachers. | Public schools may not employ individuals convicted of a violent or sexual felony or of child abuse. | Superintendents must notify law enforcement of all crimes that occur on school property. Public and private school employees who have reasonable cause to suspect a child is abused or neglected must notify the Department of Human Services. |
| MO | Registered sex offenders whose victims were minors may not be present on school property or at a school activity without permission and may not serve as a coach or manager for any youth sports team. | Fingerprint-based FBI and state criminal history checks are required of all certified teachers and public school employees and bus drivers. | None located. | Principals must report all sexual assaults to law enforcement. School teachers and officials who have reasonable cause to suspect that a child has been subjected to abuse or neglect must notify the Department of Social Services. |
| MT | A mandatory condition of probation/parole for sexual offenders is employment restrictions to protect potential future victims of the offender. | None located. | None located. | School districts must report the dismissal or resignation of teachers and administrators resulting from a felony conviction or immoral conduct to the state Superintendent of Public Instruction. School employees who have reasonable cause to suspect child abuse or neglect must notify the Department of Public Health and Human Services. |

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|--------------|--|---|---|---|
| NE | None located. | Fingerprint-based FBI and state criminal history checks are required of all certified teachers and administrators if they have not been state residents for the previous 5 years. | None located. | School employees who have reasonable cause to suspect a child has been subject to abuse or neglect must notify law enforcement or the NE Department of Health & Human Services. |
| NV | A mandatory condition of probation/parole for sexual offenders is a prohibition on coming within 500 feet of a school. | Fingerprint-based FBI and state criminal history checks are required of all licensed teachers and public and charter school employees. | Convicted felons or offenders with convictions involving moral turpitude are ineligible for a teaching license. | Teachers who know or have reasonable cause to believe that a child has been abused or neglected must notify law enforcement or a child welfare agency. |
| NH | None located. | Fingerprint-based FBI and state criminal history checks are required of all public and charter school employees, volunteers, and contractor employees. Private schools are authorized to conduct such checks of their employees. Criminal history checks are required of all applicants for a school bus license. | Public schools may not employ felons convicted of murder, sexual assault, child pornography, or kidnapping. | School teachers and officials who suspect child abuse or neglect must notify the NH Department of Health & Human Services. |
| NJ | None located. | Fingerprint-based FBI and state criminal history checks are required of all public school employees and selected contractor employees (including school bus drivers). Public schools are also authorized to conduct such checks on volunteers with regular contact with children. Private schools are authorized to conduct such background checks of their employees and contractor employees. | Public schools may not employ or use as contractor employees persons convicted of a felony in the first or second degree. | Any person with reasonable cause to believe that a child has been subjected to child abuse must notify the Division of Youth and Family Services. |

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|--------------|--|---|--|---|
| NM | None located. | Fingerprint-based FBI criminal history checks are required of all licensed teachers and public school employees and contractor employees. | None located. | Superintendents must notify the NM Department of Education when a licensed educator is dismissed or resigns resulting from allegations of misconduct. School teachers and officials who know or reasonably suspect child abuse or neglect must notify law enforcement or the Children, Youth & Families Department. |
| NY | A mandatory condition of parole for sexual offenders whose victims were minors is a prohibition on entering school grounds. | Fingerprint-based FBI and state criminal history checks and background checks are required of all certified teachers and public school employees. Private schools are authorized to conduct such background checks of their employees and volunteers. | Public schools may not employ registered sex offenders. Felons convicted of certain violent or sexual offenses may not hold a school bus driver license. | School administrators or superintendents must notify law enforcement of allegations of child abuse in an educational setting. School personnel with reasonable cause to suspect child abuse must notify the Office of Children & Family Services. |
| NC | Registered sex offenders may not be present on school property or work or volunteer at any position involving the supervision, care, or instruction of minors. | Public school districts are required to have a policy determining which employees and contract employees are subject to fingerprint-based FBI and state criminal history checks. | None located. | Principals must report any sexual offenses occurring on school property to law enforcement, and school boards must notify the parents of such victims. Anyone who has cause to suspect child abuse or neglect must notify the Department of Social Services. |
| ND | Registered sex offenders whose victims were minors may not be present on school property. | Fingerprint-based national and state criminal history checks are required of all licensed teachers, school counselors, and public and private school employees with unsupervised contact with children. | None located. | School teachers and administrators with reasonable cause to suspect that a child is abused or neglected must notify the Department of Human Services. |

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|--------------|---|--|---|--|
| OH | None located. | Fingerprint-based FBI and state criminal history checks are required of all licensed educators, preschool employees, public school contractor employees with unsupervised access to children, and school bus license holders. Such checks are required of all public or charter school employees every 5 years; however, the FBI check is not required if the employee has been a resident of Ohio for the past 5 years. | Public and charter schools, school bus operators, and preschools may not employ a person convicted of a violent or sexual offense. Conviction of a felony is grounds for revocation of an educator licensing. | School teachers and employees who have reasonable cause to suspect child abuse or neglect must notify law enforcement or a public children services agency. |
| OK | Registered sex offenders may not work on school premises or loiter within 500 feet of a school. | Fingerprint-based national and state criminal history checks are required of all licensed teachers. Public school districts are required to implement a criminal history check policy for all employees. | None located. | Any person who has reason to believe a child is a victim of abuse or neglect must notify the state hotline. |
| OR | Predatory and violent sex offenders may not be on school premises. | Fingerprint-based national and state criminal history checks are required of all licensed teachers. Public schools are required to conduct such checks of their employees and contractors. Private schools are authorized to conduct such checks. Public and private schools are authorized to conduct state criminal checks on their volunteers with direct, unsupervised contact with children. | Felons convicted of certain violent or sexual offenses may not hold a teaching license. | School employees who have reasonable cause to suspect child abuse must notify law enforcement or the Department of Human Services. School boards must adopt policies requiring employees to report such abuse. |
| PA | None located. | State criminal history checks are required of all public and private school employees and contractor employees who have direct contact with children. If the individual has not been a state resident for at least 2 years prior, then a fingerprint-based FBI criminal history check is required. Public schools are required to conduct an abuse registry check on all new employees. | Public and private schools may not employ felons convicted of certain violent or sexual offenses within the past 5 years or persons listed as a perpetrator of child abuse. | Superintendents must report information which constitutes reasonable cause to believe that a licensed educator has committed sexual abuse to the PA Department of Education. School administrators and teachers who have reasonable cause to suspect child abuse must notify the Department of Public Welfare. |

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|--------------|--|---|--|--|
| RI | None located. | Fingerprint-based national and state criminal history checks are required of all public and private school employees. | None located. | Any person who has reasonable cause to suspect child abuse must notify the Department of Children, Youth & Families. |
| SC | None located. | State name-based criminal history checks and national sex offender registry checks are required of all public school employees, volunteers, and school bus drivers. | Public schools may not hire anyone convicted of a violent crime. | Any crimes committed in a school must be reported to law enforcement. Teachers and principals who have reason to believe a child has been abused or neglected must notify law enforcement. |
| SD | Registered sex offenders may not loiter within 500 feet of a school. | Fingerprint-based national and state criminal history checks are required of all public school employees. | Public schools may not hire or contract with felons convicted of violent, drug, or sexual offenses. | Public and private school teachers and officials who have reasonable cause to suspect child abuse or neglect must notify their principal or superintendent who must notify law enforcement, a state's attorney, or the Department of Social Services. |
| TN | Registered sex offenders whose victims were minors may not be employed within 1000 feet of school property. | Fingerprint-based national and state criminal history checks are required of all public school teachers and employees or contractual employees in positions requiring proximity to children. Criminal history checks are required of all school bus license holders. | Felons convicted of certain violent or sexual offenses may not hold a teaching license. Sexual offenders may not come into direct contact with children. | School personnel who have reasonable cause to suspect child abuse must report it to a juvenile judge, law enforcement, or the Department of Children's Services. If the abuse occurred on school grounds, then the parents of the victim must also be given notice. |
| TX | A mandatory condition of parole for sexual offenders whose victims were minors is a prohibition on entering school property. | National criminal history checks are required of all certified educators, public school employees and contractor employees (with direct contact with students), student teachers, volunteers, substitute teachers, and bus drivers. Private schools are authorized to conduct such checks of their employees, volunteers, and contractor employees. | Public schools may not hire persons or use contractor employees with felony or sex offender convictions. Bus driver operators may not employ individuals with felony or misdemeanor (involving moral turpitude) convictions. | Superintendents must notify the State Board for Educator Certification if an educator is terminated for abusing a student. Principals must notify law enforcement when a felony is committed on school property. Teachers who have cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect must notify a state agency or law enforcement. |

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|--------------|--|--|--|---|
| UT | Registered sex offenders may not enter school premises. | Fingerprint-based criminal history checks are required of all public school employees and volunteers and employees and volunteers of private schools that accept state scholarships. Other private schools are authorized to conduct criminal history checks of their employees. | None located. | Any person who has reason to believe that a child has been subjected to abuse or neglect must notify law enforcement or the Division of Child and Family Services. |
| VT | None located. | Fingerprint-based FBI and state criminal background and abuse registry checks are required of all licensed educators and public and independent school employees and contractor employees. | Sex offenders are ineligible for public or independent school employment. | Any person who has reasonable cause to believe that a licensed educator has engaged in unprofessional conduct must notify the VT Department of Education. School district employees, teachers, or principals who have reasonable cause to believe that any child has been abused or neglected must notify the Department for Children & Families. |
| VA | Sexually violent offenders may not enter school property. | Fingerprint-based national and state criminal history checks are required of all public school employees and accredited private school employees. | Persons convicted of sexual molestation, sexual abuse, or rape of a child are ineligible for public school employment or employment with a contractor who provides services to public schools. Persons found to be a perpetrator of child abuse are ineligible for public school employment. | School boards must notify the Board of Education when licensed educators are dismissed or resign as a result of a sexual offense. Public and private school employees who have reason to suspect child abuse or neglect must notify the local child-protective services unit or a state hotline. |
| WA | A mandatory condition of supervised release for sexual offenders whose victims were minors is a prohibition on serving in a paid or volunteer capacity in a position involving control or supervision of children. | Fingerprint-based national and state criminal history checks are required of all public school employees, volunteers, and contractor employees. | Conviction of a felony against a child is grounds for permanent revocation of a teaching certificate. | Public school employees who have reasonable cause to believe that a student is the victim of sexual misconduct by a school employee must notify the school's administrator, who must notify law enforcement. Professional school personnel who have reasonable cause to believe that a child has suffered abuse or neglect must notify law enforcement or the Department of Social & Health Services. |

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|--------------|---|--|--|---|
| WV | A mandatory condition of supervised release for sexual offenders whose victims were minors is a prohibition on employment within 1000 feet of a school. | Fingerprint-based FBI and state criminal history checks are required of all licensed teachers. School bus drivers are also subject to criminal history checks. | None located. | School teachers and personnel who have reasonable cause to suspect sexual abuse of a child must notify law enforcement and the Department of Health and Human Resources. |
| WI | Convicted sex offenders whose victims were minors may not be employed or volunteer in a position that requires interaction with children. | State criminal history checks are required of all licensed teachers. Fingerprint-based FBI criminal history checks are required of all teacher license applicants who have not been state residents. A state criminal history check is required of all school bus license applicants, and a federal background check is required if the applicant had not resided in the state at any time during the preceding 2 years. | Individuals convicted of violent or child-victim crimes during the past 6 years are ineligible for a teacher license. Individuals convicted of violent or sexual or child-victim crimes during the past 5 years are ineligible for a school bus license. | School administrators must report to the State Superintendent if a licensed educator is charged with a sexual offense or is dismissed or resigns as a result of immoral conduct. School teachers and administrators who have reasonable cause to suspect that a child has been abused or neglected must notify law enforcement or the local child welfare agency. |
| WY | Registered sex offenders may not be present on school grounds. | Fingerprint-based national and state criminal history checks are required of all certified teachers and public school employees with access to minors. | None located. | School boards must notify the state teaching board if a licensed educator is dismissed or resigns as a result of a felony conviction. Any person who has reasonable cause to believe or suspect that a child has been abused or neglected must notify the child protective agency or law enforcement. |

Source: GAO analysis of relevant state laws.

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