



STATE OF MICHIGAN
DEPARTMENT OF EDUCATION
LANSING

RICK SNYDER
GOVERNOR

BRIAN J. WHISTON
STATE SUPERINTENDENT

MEMORANDUM

DATE: March 9, 2017

TO: Local and Intermediate School District Superintendents
Public School Academy Directors

FROM: Venessa A. Keesler, Ph.D., Deputy Superintendent *V. Keesler*
Division of Educator, Student, and School Supports

SUBJECT: Prohibition on Aiding and Abetting Sexual Abuse

The Every Student Succeeds Act (ESSA) includes a provision entitled the "Prohibition on Aiding and Abetting Sexual Abuse." The intent is to prevent school employees who have engaged in sexual misconduct with students from being passed from one school district to another. Specifically, the provision requires local school districts that receive federal funding to have policies that prohibit anyone from assisting a school employee, contractor, or agent in obtaining a new job if there is probable cause to believe that such person had engaged in sexual misconduct regarding a minor or student in violation of the law. The provision discourages the practice of school districts entering confidentiality agreements with sexual predators.

The ESSA details exceptions to the rule of prohibiting assistance with obtaining a new job. The prohibition does not apply if the alleged sexual misconduct in question has been properly reported to a law enforcement agency with jurisdiction AND properly reported to other authorities (such as a child welfare agency), including Title IX authorities AND the reporting resulted one of the following:

- The prosecutor or police notified the school district that there was insufficient information to establish probable cause that the alleged conduct violated the law;
- The employee/contractor/agent was acquitted or otherwise exonerated;
- The case remains open but there have been no charges filed against or indictment within 4 years of the date of the report.

Please review this information within your school district and determine whether you have appropriate policies and procedures in place. If you have questions, please contact Stephanie Whiteside at whitesides@michigan.gov.

cc: Michigan Education Alliance

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