

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.

K-12 EDUCATION

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

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.