

PERSONNEL

Prohibition on Aiding and Abetting Sexual Abuse

The District prohibits any individual who is a school employee, trustee, officer, contractor, or agent from assisting a current or former school employee, contractor, or agent in obtaining new employment who knows or has probable cause to believe that such person engaged in sexual misconduct regarding a minor or student in violation of law. Assisting a person in obtaining new employment does not include the routine transmission of administrative or personnel files.

This prohibition does not apply if the information giving rise to probable cause:

1. Has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct and any other authorities required by federal, state or local law, including, but not limited to Title IX; and
2. One of the following three circumstances has occurred:
 - a. the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials there is insufficient information to establish probable cause that the school employee, trustee, officer, contractor, or agent committed or attempted, solicited, or conspired to commit the violation of local, state, and/or federal law involving a minor or student;
 - b. the school employee, trustee, officer, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
 - c. the case or investigation remains open and there have been no charges filed against or indictment of the school employee, trustee, officer, contractor, or agent more than four years from the date the information was reported to law enforcement.

Legal References: §§ 8038, 8556 Every Student Succeeds Act

Title IX, 20 U.S.C. 1681 *et seq.*

§ 20-4-110, MCA Letter of reprimand, suspension, revocation, and denial of certificate

§45-5-501, MCA *et seq.* Definitions

§41-3-101, MCA *et seq.* Declaration of Policy

Senate Bill 132

Cross References:

Policy History:

Adopted on: 5.28.2018

Revised on: 9.10.2019

Reviewed on: