THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

July 10, 2026

Dear Colleague:

Sexual predators who operate within the walls of American schools depend on institutional silence and complacency. Such silence is not only a moral failure but also violates federal law designed to protect our most defenseless class of citizens—our children.[1] Teachers' unions' demonstrated commitment to shield their members from disciplinary action for gross misconduct cannot trump basic moral and legal responsibilities to students and families.[2]

This letter begins by documenting this alarming failure to protect children from adults in trusted positions of authority. It then clarifies and reaffirms the statutory obligations of state educational agencies (SEAs) and local educational agencies (LEAs) that receive federal financial assistance from the U.S. Department of Education (Department) to respond promptly and appropriately to sexual harassment and abuse that occur in their programs and activities. Specifically, the Department is articulating and reiterating existing legal requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as reauthorized by the Every Student Succeeds Act of 2015 (ESSA), 20 U.S.C. § 6301 *et seq.*; 20 U.S.C. § 7926; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*; their implementing regulations; and relevant precedent.

Every State compels education for all children,[3] and most students—nearly 90% — attend public schools.[4] Most parents entrust their children to schools which generally stand *in loco parentis*.[5] Accordingly, those schools must adequately protect students' safety and comply with federal laws obligating educational institutions that

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[1] *See* 20 U.S.C. §§ 1681(a), 1682, 7926(a); 34 C.F.R. § 106.44 (2020).

[2] *See, e.g.*, Paul Zimmerman, *Catching the Trash*, Defense of Freedom Institute, 17–21 (2023).

[3] *See, e.g.*, *Mahanoy Area Sch. Dist. v. B. L. by & through Levy*, 594 U.S. 180, 199–200 (2021) (Alito, J., concurring); *Ingraham v. Wright*, 430 U.S. 651, 660 n.14 (1977) ("compulsory school attendance laws were in force in all the States" by 1918).

[4] *Mahanoy Area Sch. Dist.*, 594 U.S. at 200 (2021) (Alito, J., concurring).

[5] *See, e.g.*, *Vernonia Sch. Dist. 47J v. Acton*, 515 U.S. 646, 655–56 (1995); *Mahanoy Area Sch. Dist.*, 594 U.S. at 187; *see also, e.g.*, *id.* at 189 ("The doctrine of *in loco parentis* treats school administrators as standing in the place of students' parents under circumstances where the children's actual parents cannot protect, guide, and discipline them."); *id.* at 200 (Alito, J., concurring) ("If *in loco parentis*

accept federal funding to ensure the safety of their students.[6] The protection of children is a bedrock obligation of every educational institution, especially those that accept federal funds.[7]

The Department has observed a troubling and recurring pattern in schools across the Nation of credible reports of sexual abuse and harassment by adults in positions of authority going uninvestigated, institutional cultures that protect employees over students, and administrative indifference that allows predatory conduct to fester.[8] Recent reporting found at least 67 cases in California where the State has not revoked the professional licenses of educators after school districts determined they had sexually harassed students or committed other types of sexual misconduct. According to the reporting, 12 of those teachers remain working in education.[9]

Nationwide, too many boys and girls are being subjected to unthinkable sexual misconduct, including harassment, assault, abuse, and molestation, by the very teachers, staff, and administrators entrusted with their educational and physical well-being.[10] Decades-long research quantifying the extent of child sexual abuse and misconduct by adults in positions of authority in the Nation's schools is unambiguous and staggering.[11] In 2003, it was estimated that 9.6 percent of 8th to 11th grade students had reported sexual misconduct by their educators.[12] In any other setting

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is transplanted from Blackstone's England to the 21st century United States, what it amounts to is simply a doctrine of inferred parental consent to a public school's exercise of a degree of authority that is commensurate with the task that the parents ask the school to perform.").

[6] *See, e.g.*, 20 U.S.C. §§ 1681(a), 1682, 7926(a); 34 C.F.R. § 106.44 (2020); Dan B. Dobbs, Paul T. Hayden & Ellen M. Bublick, The Law of Torts § 418 (2d ed.) ("Custodian's and school's state-law duty to protect wards or students"); Restatement (Third) of Torts: Phys. & Emot. Harm § 40 (2012) ("Duty Based on Special Relationship with Another").

[7] *Id.*

[8] *See, e.g.*, U.S. Gov't Accountability Off., K–12 Education: Selected Cases of Public and Private Schools That Hired or Retained Individuals with Histories of Sexual Misconduct, GAO-11-200 at 8–23 (Dec. 2010) (report to the Chairman, H. Comm. on Educ. & Lab.).

[9] Holly McDede & Mollie Simon, *He Was Fired for Sexually Harassing Students. California Allowed Him to Keep Teaching Anyway*, ProPublica & KQED (May 12, 2026), https://www.propublica.org/article/california-fired-teacher-sexual-harassment.

[10] *Id.*

[11] Charol Shakeshaft, *Organizational Betrayal: How Schools Enable Sexual Misconduct and How to Stop It*, ch. 2 (Harv. Educ. Press 2025) (analyzing the most comprehensive studies providing a nationwide estimate of employee sexual misconduct in K–12 schools).

[12] Charol Shakeshaft, *Educator Sexual Misconduct: A Synthesis of Existing Literature*, 16–18 (Policy & Program Studies Serv., U.S. Dep't of Educ. 2003).

where one in 10 children were subject to sexual misconduct, there would be a national outcry.

Two federal laws that dictate federal funding recipients' responsibilities regarding the protection of students from sexual misconduct by adults in positions of authority warrant discussion in this context: (1) the ESEA, as reauthorized by the ESSA; and (2) Title IX of the Education Amendments of 1972.

***First*,** the ESEA conditions receipt of funds on States, SEAs, and LEAs maintaining laws, regulations, or policies that prohibit school employees, contractors, agents, and educational agencies from helping a school employee or contractor obtain a new position when there is knowledge or probable cause to believe that the individual engaged in sexual misconduct involving a student.[13]

The Department urges all covered entities to take their ESEA responsibilities more seriously and intends to increase its ESEA compliance monitoring. Consistent with the ESEA "Prohibition on Aiding and Abetting," the Office of Elementary and Secondary Education (OESE) will examine States' laws, regulations, or policies against available data to determine the effectiveness of the laws, regulations, or policies in ensuring students are safe from adult sexual misconduct.

As of 2022, 35 States lacked laws banning the suppression of information regarding employee sexual misconduct in termination, resignation, and severance agreements. Forty States lacked laws prohibiting such information from being expunged in personnel files.[14] In some cases, teachers' unions have objected to proposed legislative reforms to protect children from adults in positions of authority; pressure from organized labor is not an excuse to ignore ESEA's strictures.[15] Where a State cannot demonstrate the existence of sufficient qualifying and enforceable measures, the State may be in violation of the ESEA's mandate and may jeopardize its receipt of federal funds.[16]

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[13] 20 U.S.C. § 7926.

[14] U.S. Dep't of Educ., Elementary and Secondary Education Act Provisions Prohibiting Aiding and Abetting of Sexual Misconduct in Schools (June 2022), https://www.ed.gov/media/document/elementary-and-secondary-education-act-provisions-prohibiting-aiding-and-abetting-of-sexual-misconduct-schools-june-2022-12504.pdf.

[15] *See, e.g.*, Zimmerman, *supra*, at 17–21.

[16] To be clear, the ESEA states that the Department may not "mandate, direct, or control the *specific* measures adopted by a State, State educational agency, or local educational agency." 20 U.S.C.

***Second*,** Title IX bars discrimination "on the basis of sex" in any educational program receiving federal funds.[17] Sex discrimination under Title IX includes employee-on-student and "student-on-student sexual harassment, if sufficiently severe."[18] Title IX and the Department's implementing regulations require recipients of federal funds who have actual knowledge of sexual harassment by school employees or students to respond promptly and in a manner that is not deliberately indifferent.[19] Failure to respond appropriately to known allegations of sexual harassment by school employees or students can violate Title IX.[20]

Title IX requires schools with actual knowledge to respond appropriately and address claims of sexual harassment, including providing supportive measures for an impacted student.[21] State law, local district policy, and collective bargaining agreements (CBA) can neither trump a federal funding recipient's obligations under Title IX nor excuse a Title IX violation.[22] For example, provisions in any CBA that prevent, delay, or condition the investigation of such an incident or the removal of an employee pending a Title IX investigation can expose the institution to remedial actions authorized by Title IX, including termination of federal financial assistance.[23]

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§ 7626(c) (emphasis added). But that does not mean that a State, SEA, or LEA cannot violate the ESEA if it has insufficient measures. After all, the ESEA makes clear that States, SEAs, and LEAs must "*have laws, regulations, or policies* that prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law." *Id.* § 7926(a) (emphasis added). So although the Department may not dictate the "*specific* measures," *id.* § 7626(c) (emphasis added), the Department may still investigate and, when circumstances warrant, find violations based on the *inadequacy* of the measures adopted by States, SEAs, and LEAs.

[17] 20 U.S.C. § 1681(a) ("No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance ….").

[18] *See Davis Next Friend LaShonda D. v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 649–50 (1999); *Gebser v. Lago Vista Indep. Sch. Dist.*, 524 U.S. 274, 292–93 (1998); *Franklin v. Gwinnett Cnty. Pub. Schs.*, 503 U.S. 60, 74–75 (1992).

[19] 34 C.F.R. § 106.44 (2020).

[20] *Id.*

[21] *See, e.g.*, 20 U.S.C. § 1681(a); *see also* 34 C.F.R. § 106.44 (2020).

[22] *Id.*

[23] *See* 20 U.S.C. § 1682.

Unfortunately, many administrators and State educational regulators have apparently preferred to sweep these incidents under the rug and have "pass[ed] the trash" to another school.[24] OCR investigations have revealed schools posting Title IX policies without properly enforcing them, opening investigations without completing them, and closing complaints without making meaningful inquiries.[25] In other cases, school officials have ignored allegations entirely or allowed teachers subject to investigation and probable disciplinary action to resign, thereby burying evidence of sexual misconduct. School administrators have even written positive letters of recommendation for those very teachers—enabling them to continue abusing children in a new educational environment. The problem is aggravated by the documented failures of hiring officials to perform basic criminal history checks or to follow up on obvious red flags in employment applications.[26]

For example, the Department recently opened an investigation into the Los Angeles Unified School District for an agreement with United Teachers of Los Angeles that guarantees that teachers will be reassigned—not terminated or immediately removed from student-facing roles while officials investigate—when they are credibly accused of conduct including maintaining a sexual or "romantic" relationship with a student, creating child pornography, and failing to report suspected child abuse.[27] To the extent that the Department is made aware of similar agreements, further investigations will follow.

Additionally, all 50 States have laws making teachers mandatory reporters of child sexual abuse, including sexual misconduct perpetrated upon students by school

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[24] *See* Shakeshaft, *Organizational Behavior*, *supra*, at nn.27–28 (offering a multistate list of instances of LEAs "passing the trash" after notice of employee sexual misconduct toward students).

[25] *Id.*; U.S. DEP'T OF EDUC., OFFICE FOR CIVIL RIGHTS, ERRATA SHEET EXPLAINER FOR 2017-18 CIVIL RIGHTS DATA COLLECTION, SEXUAL VIOLENCE IN K-12 SCHOOLS ISSUE BRIEF, https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/sexual-violence.pdf; MCDEDE & Simon, *supra*; U.S. Gov't Accountability Off., *supra*, at 8–23; Kali Fontanilla, *How Teachers Unions and Bureaucracy Often Fail to Protect Students*, CAPITAL RESEARCH CENTER (Sept. 5, 2025), https://capitalresearch.org/article/how-teachers-unions-and-bureaucracy-often-fail-to-protect-students/; Jessica Chasmar, *At Least 269 K-12 Educators Arrested on Child Sex Crimes Since January*, N.Y. POST (Oct. 14, 2022), https://nypost.com/2022/10/14/nearly-270-k-12-educators-arrested-on-child-sex-crimes-in-first-9-months-of-this-year/.

[26] U.S. Gov't Accountability Off., *supra*, at 3–7.

[27] U.S. Dep't of Educ., Press Release, U.S. Department of Education Opens Title IX Investigation into Los Angeles Unified School District (May 5, 2026), https://www.ed.gov/about/news/press-release/us-department-of-education-opens-title-ix-investigation-los-angeles-unified-school-district.

staff. Under Title IX, a school district is deemed to be on notice of sexual harassment when any employee of a school in that district is aware of the sexual harassment.[28] Once any employee of the school is aware that sexual harassment has occurred, the school must respond promptly and in a manner that is not deliberately indifferent.[29] And while schools may notify law enforcement or some other local or State entity mandated to receive reports of suspected sexual abuse, a recipient must still independently investigate these incidents consistent with Title IX's requirements. Referral to law enforcement or other investigative entities—alone—is not sufficient to meet the school's obligations under Title IX.[30] Further, retaliation against any employee or student for reporting the alleged sexual misconduct, whether through adverse employment actions, intimidation, or any other means, is a violation of Title IX.[31]

The Department has taken other measures to uphold Title IX's protection against sexual harassment in educational programs. Recognizing the longstanding problem of States and LEAs taking insufficient actions to address sexual misconduct by school employees and peers, in 2019, during President Trump's first Administration, the Department's Office for Civil Rights (OCR) launched a national initiative to combat sexual assault in K-12 public schools. As part of this national initiative, OCR conducted directed investigations, provided technical assistance, and focused on improving the data school districts collect regarding sexual assault committed by school staff.[32] Most importantly, OCR amended its Civil Rights Data Collection (CRDC) to *require* school districts to report to OCR a wide array of instances sexual misconduct incidents perpetrated by school staff or school personnel, making the CRDC collection the first universal collection to gather such data systemically by school. The Department is continuing its efforts to bring attention to this issue and remind schools once again of their obligation under Title IX to track these incidents and appropriately respond to sexual misconduct allegations committed by school staff.

This letter provides notice of and reiterates federal funding recipients' obligations under federal law regarding sexual harassment and other misconduct in schools.

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[28] 34 C.F.R. § 106.30(a) (2020).

[29] *Id.* § 106.44(a) (2020).

[30] *See* 85 Fed Reg 30,099 (May 19, 2020).

[31] *See* 34 C.F.R § 106.71 (2020); *Jackson v. Birmingham Bd. of Educ.*, 544 U.S. 167, 171 (2005).

The Department will vigorously enforce the ESEA and Title IX as to all applicable educational institutions to ensure recipients uphold their obligations under federal law, including that all students have equal access to educational opportunities without fear of experiencing sexual misconduct. Parents and families should be able to send their child to school without worrying that their child will endure sexual misconduct by any school employee, including their child's teacher.

All educational institutions are advised to ensure that: (1) their policies and practices comply with the ESEA and Title IX and their implementing regulations; (2) officials with authority to take corrective action are trained to recognize and respond to sexual misconduct; and (3) grievance procedures are not merely nominal, as investigations must be thorough, timely, and genuinely responsive to reported misconduct. Institutions that fail to comply with federal law may face the loss of federal funding. Schools must also comply with State mandatory reporting requirements regarding sexual abuse of children.

Anyone who believes that a school, LEA, or SEA has failed to respond appropriately to sexual misconduct may file a complaint with the Department. Information about filing a complaint with the Department, including a link to the online complaint form, is available here.

Make no mistake, the Department will fully enforce federal law and employ every resource at its disposal to protect children from sexual predators. Those schools that allow sexual misconduct to occur risk the termination of applicable federal assistance provided by the federal government. This epidemic of nationwide sexual abuse in our schools must end.

Thank you in advance for your commitment to providing our Nation's students with an educational environment free from sexual misconduct.

Sincerely,



Linda E. McMahon
Secretary of Education