

**Contractor
Assistance
Prohibited**

An ESC that receives Title I funds shall have regulations or policies that prohibit any individual who is an ESC employee, contractor, or agent, or an ESC, from assisting a contractor or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or ESC knows, or has probable cause to believe, that such contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

This requirement shall not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and has been properly reported to any other authorities as required by federal, state, or local law, including Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the implementing regulations under Part 106 of Title 34, Code of Federal Regulations, or any succeeding regulations; and:

1. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified ESC officials that there is insufficient information to establish probable cause that the contractor or agent engaged in sexual misconduct regarding a minor or student in violation of the law;
2. The contractor or agent has been charged with and acquitted or otherwise exonerated of the alleged misconduct; or
3. The case or investigation remains open and there have been no charges filed against, or indictment of, the contractor or agent within four years of the date on which the information was reported to a law enforcement agency.

20 U.S.C 7926 [See also DC for prohibition related to employee assistance]