

110TH CONGRESS
1ST SESSION

S. 2360

To develop a national system of oversight of States for sexual misconduct
in the elementary and secondary school system.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2007

Mr. MARTINEZ introduced the following bill; which was read twice and
referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To develop a national system of oversight of States for
sexual misconduct in the elementary and secondary
school system.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Student Protection
5 Act”.

6 **SEC. 2. STATE OVERSIGHT SYSTEMS.**

7 (a) SYSTEMS REQUIRED.—For fiscal year 2010 and
8 each fiscal year thereafter, each State shall have in effect
9 laws and policies that, as determined by the Secretary of
10 Education, ensure the following:

1 (1) Whenever an individual who is an eligible
2 employee or volunteer has reason to believe that an
3 incident has occurred in which an eligible employee
4 or volunteer has committed an act of sexual mis-
5 conduct against a student, the individual makes a
6 report of that incident to the State consistent with
7 the State's laws and policies regarding reporting of
8 child abuse and neglect or, in the case of a State
9 that does not have laws and policies regarding the
10 reporting of child abuse and neglect, as quickly as
11 practicable.

12 (2) If an individual described in paragraph (1)
13 fails to comply with State laws and policies ref-
14 erenced in paragraph (1), such individual is dis-
15 ciplined.

16 (3) The State has a single, statewide commis-
17 sion for receiving and documenting all reports made
18 under paragraph (1).

19 (4) The commission required by paragraph
20 (3)—

21 (A) has policies for investigating and re-
22 porting such incidents; and

23 (B) has a toll-free number that can be
24 used to make reports under paragraph (1).

1 (5) Each incident with respect to which a re-
2 port is made under paragraph (1) is investigated by
3 individuals who have received training in inves-
4 tigating such incidents.

5 (6) The identification and last known address
6 of an eligible employee or volunteer, the reason for
7 the termination, punishment, fines, or sanctions are
8 provided to the Secretary of Education whenever an
9 eligible employee or volunteer is—

10 (A) terminated from association with the
11 State educational agency, local educational
12 agency, public school, or private school, on the
13 basis of an act of sexual misconduct against a
14 student; or

15 (B) punished, fined, or sanctioned by any
16 level of State government on the basis of an act
17 of sexual misconduct against a student.

18 (b) NONCOMPLIANCE.—If a State does not comply
19 with subsection (a) for a fiscal year, the Secretary of Edu-
20 cation may reduce by not more than 5 percent the
21 amounts the State would otherwise be allocated or award-
22 ed, or both, under the Elementary and Secondary Edu-
23 cation Act of 1965 (20 U.S.C. 6301 et seq.). Amounts
24 not allocated or awarded to a State for failure to comply

1 with subsection (a) shall be allocated or awarded (as the
2 case may be) to States that do comply with subsection (a).

3 **SEC. 3. NATIONAL DATABASE.**

4 (a) IN GENERAL.—The Secretary of Education shall
5 maintain a national database of incidents that have oc-
6 curred in which an eligible employee or volunteer is—

7 (1) terminated from association with a State
8 educational agency, local educational agency, public
9 school, or private school, on the basis of an act of
10 sexual misconduct against a student; or

11 (2) punished, fined, or sanctioned by any level
12 of State government on the basis of an act of sexual
13 misconduct against a student.

14 (b) INCLUDE EVERY DETAIL AND AVAILABILITY.—
15 The database shall include, at a minimum, every detail
16 provided by a State under section 2, and shall be available
17 to State educational agencies, local educational agencies,
18 and private schools.

19 **SEC. 4. REPORT.**

20 The Secretary of Education shall, on an annual basis,
21 submit to Congress a report on the activities carried out
22 under this Act. The report shall identify each State that
23 is in compliance, and each State that is not in compliance,
24 with section 2(a).

1 **SEC. 5. DEFINITIONS.**

2 In this Act:

3 (1) The term “eligible employee or volunteer”
4 means any individual who works for, or volunteers
5 with, a State educational agency, local educational
6 agency, public school, or private school.

7 (2) The term “act of sexual misconduct” shall
8 be defined according to State law.

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