

110TH CONGRESS  
1ST SESSION

# H. R. 1829

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 2007

Mr. PUTNAM introduced the following bill; which was referred to the  
Committee on Education and Labor

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## 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 educator  
2           has reason to believe that an incident has occurred  
3           in which an educator has committed an act of sexual  
4           misconduct against a student, the individual makes  
5           a report of that incident to the State as quickly as  
6           practicable, and within 48 hours whenever possible,  
7           and the individual is disciplined if the individual  
8           fails to do so.

9           (2) The State has a single, statewide commis-  
10          sion for receiving all reports made under paragraph  
11          (1).

12          (3) The commission required by paragraph  
13          (2)—

14                 (A) has policies for investigating and re-  
15                 porting such incidents; and

16                 (B) has a toll-free number that can be  
17                 used anonymously to make reports under para-  
18                 graph (1).

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

23          (5) Whenever an educator is punished in any  
24          manner for an incident described in paragraph (1),

1 the details of the educator, the punishment, and the  
2 incident are provided to the Secretary of Education.

3 (b) NONCOMPLIANCE.—If a State does not comply  
4 with subsection (a) for a fiscal year, the Secretary of Edu-  
5 cation may reduce by up to 5 percent the amounts the  
6 State would otherwise be allocated or awarded, or both,  
7 under the Elementary and Secondary Education Act of  
8 1965. Amounts not allocated or awarded to a State for  
9 failure to comply with subsection (a) shall be allocated or  
10 awarded (as the case may be) to States that do comply  
11 with subsection (a).

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

13 The Secretary of Education shall maintain a national  
14 database of incidents that have occurred in which an edu-  
15 cator has committed an act of sexual misconduct against  
16 a student. The database shall include, at a minimum,  
17 every detail provided by a State under section 2, and shall  
18 be available to the public.

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 “educator” means any individual  
4 who works for a State educational agency, local edu-  
5 cational agency, or public school.

6 (2) The term “act of sexual misconduct” means  
7 any sexual offense, sexual assault, sexual overture,  
8 or sexual communication.

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