

STUDENT PROTECTION ACT

SUMMARY

The bill requires uniform reporting requirements for eligible employees (of a SEA, LEA, public or private school) accused of sexual misconduct against a student, consistent with established guidelines for reporting child abuse; it requires a central body in each state to be responsible for receiving and investigating allegations of sexual misconduct by school employees; and it creates a nationwide database of school employees sanctioned by the state for sexual misconduct – thus enabling state, local, and private school officials to ensure offenders remain out of the classroom.

SECTION-BY-SECTION

SECTION 1 – TITLE

- The Student Protection Act

SECTION 2 – STATE OVERSIGHT SYSTEM

- Requires each state to have laws and policies in place that ensure that when an incident of sexual misconduct against a student occurs, it is reported to the State, consistent with established guidelines for reporting child abuse.
- Establishes that if an individual fails to report an incident of sexual misconduct against a student that they are disciplined.
- Requires each state to create a statewide commission for receiving and documenting all reports made of sexual misconduct against a student.
- Requires that each state commission have policies in place for investigating and reporting incidents and a toll-free number that can be used anonymously to make reports.
- Requires that individuals investigating reports have received training in investigating such incidents.
- Requires that the identification and last known address of an eligible employee, the reason for termination, punishment, fines, or sanctions are provided to the Secretary of Education whenever an eligible employee is:

- Terminated from association with the State educational agency (SEA), local educational agency (LEA), public or private school, on the basis of an act of sexual misconduct against a student; or
 - Punished, fined, or sanctioned by any level of State government on the basis of an act of sexual misconduct against a student.
- Establishes that if a State does not create a state oversight system, the Secretary of Education may reduce up to 5% of state funding under the Elementary and Secondary Education Act of 1965. Any funding not allotted to states that fail to comply will be allocated to states that do comply.

SECTION 3 – NATIONAL DATABASE

- Requires the Secretary of Education to maintain a national database of incidents that have occurred in which an eligible employee is:
- Terminated from association with the SEA, LEA, public or private school, on the basis of an act of sexual misconduct against a student; or
 - Punished, fined, or sanctioned by any level of State government on the basis of an act of sexual misconduct against a student.
- Establishes that the database will include, at a minimum, every detail provided by a State under section 2, and made available to the public.

SECTION 4 – REPORT

- Requires the Secretary of Education on an annual basis to submit a report to Congress on the activities carried out under the bill, identifying each State in compliance, and each State that is not in compliance.

SECTION 5 – DEFINITIONS

- *Eligible employee* – any individual who works for, or is employed by, a SEA, LEA, public or private school.
- *Act of sexual misconduct* – means any sexual offense, sexual assault, sexual overture, or sexual communication.