

114TH CONGRESS
2D SESSION

H. R. 6523

To amend the Family Educational Rights and Privacy Act of 1974 to require the notification of institutions of postsecondary education of public safety concerns.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 8, 2016

Ms. SPEIER (for herself, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Ms. KUSTER, Ms. LEE, Mrs. CAROLYN B. MALONEY of New York, and Ms. MOORE) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Family Educational Rights and Privacy Act of 1974 to require the notification of institutions of postsecondary education of public safety concerns.

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 “Safe Transfer Act”.

1 **SEC. 2. DISCLOSURE OF PENDING AND COMPLETED DIS-**
2 **CIPLINARY PROCEEDINGS AGAINST A STU-**
3 **DENT.**

4 Section 444(b)(6) of the General Education Provi-
5 sions Act (20 U.S.C. 1232g(b)(6)) is amended—

6 (1) in subparagraph (A), by striking “nonfore-
7 ible”;

8 (2) in subparagraph (B)—

9 (A) by striking “(B) Nothing” and insert-
10 ing the following:

11 “(B)(i) Subject to clause (ii), nothing”;

12 (B) by striking “nonforcible”; and

13 (C) by adding at the end the following:

14 “(ii) No funds shall be made available
15 under any applicable program to any institution
16 of postsecondary education that fails—

17 “(I) with respect to the final results
18 of any disciplinary proceeding conducted
19 by the institution against a student who is
20 an alleged perpetrator of a sex offense, and
21 whom, as a result of that disciplinary pro-
22 ceeding, the institution determines com-
23 mitted a violation of the institution’s rules
24 or policies with respect to such offense,
25 during the 5-year period beginning on the

1 date the disciplinary proceeding was com-
2 pleted—

3 “(aa) to disclose such final re-
4 sults to an official of any other insti-
5 tution of postsecondary education in
6 which the student seeks or intends to
7 enroll; and

8 “(bb) to include such final results
9 on the transcript of such student;

10 “(II) with respect to a pending dis-
11 ciplinary proceeding being conducted by
12 such institution of postsecondary education
13 against a student who is an alleged pepe-
14 trator of a sex offense, during the 1-year
15 period beginning on the first day of such
16 proceeding—

17 “(aa) to disclose such pending
18 proceeding to an official of any other
19 institution of postsecondary education
20 in which the student seeks or intends
21 to enroll; and

22 “(bb) to note that such discipli-
23 nary proceeding is pending on the
24 transcript of such student; and

1 “(III) with respect to a disclosure
2 under subclause (I) or (II)—

3 “(aa) to notify the student of the
4 disclosure;

5 “(bb) to allow the student to in-
6 spect, in person, a copy of the discipli-
7 nary proceeding, which does not in-
8 clude the name of any other student,
9 such as a victim or witness; and

10 “(cc) to provide the student with
11 an opportunity to write a statement to
12 accompany the disclosure.

13 “(iii) The Secretary shall take appropriate
14 steps to notify institutions of postsecondary
15 education that disclosure of information de-
16 scribed in clause (ii) is required.”; and

17 (3) by adding at the end the following:

18 “(D) For the purpose of this paragraph,
19 the term ‘sex offense’ has the meaning—

20 “(i) given the term ‘sex offense’ in
21 section 485(f)(1)(F)(i)(II) of the Higher
22 Education Act of 1965 (20 U.S.C.
23 1092(f)(1)(F)(i)(II));

1 “(ii) given the term ‘sexual assault’ in
2 section 485(f)(6)(A)(v) of such Act (20
3 U.S.C. 1092(f)(6)(A)(v)); and

4 “(iii) of an offense that meets the def-
5 inition of rape, fondling, incest, or statu-
6 tory rape under the final regulations pub-
7 lished by the Department of Education in
8 the Federal Register on October 20, 2014,
9 for Appendix A of subpart D of part 668,
10 Code of Federal Regulations (79 Fed. Reg.
11 62752).”.

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