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(Original Signature of Member)

114TH CONGRESS
2D SESSION

H. R. _____

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

Ms. SPEIER introduced the following bill; which was referred to the Committee
on _____

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 insti-
16 tution of postsecondary education that
17 fails—

18 “(I) with respect to the final re-
19 sults of any disciplinary proceeding
20 conducted by the institution against a
21 student who is an alleged perpetrator
22 of a sex offense, and whom, as a re-
23 sult of that disciplinary proceeding,
24 the institution determines committed
25 a violation of the institution’s rules or
26 policies with respect to such offense,

1 during the 5-year period beginning on
2 the date the disciplinary proceeding
3 was completed—

4 “(aa) to disclose such final
5 results to an official of any other
6 institution of postsecondary edu-
7 cation in which the student seeks
8 or intends to enroll; and

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

12 “(II) with respect to a pending
13 disciplinary proceeding being con-
14 ducted by such institution of postsec-
15 ondary education against a student
16 who is an alleged perpetrator of a sex
17 offense, during the 1-year period be-
18 ginning on the first day of such pro-
19 ceeding—

20 “(aa) to disclose such pend-
21 ing proceeding to an official of
22 any other institution of postsec-
23 ondary education in which the
24 student seeks or intends to en-
25 roll; and

1 “(bb) to note that such dis-
2 disciplinary proceeding is pending
3 on the transcript of such student;
4 and

5 “(III) with respect to a disclosure
6 under subclause (I) or (II)—

7 “(aa) to notify the student
8 of the disclosure;

9 “(bb) to allow the student to
10 inspect, in person, a copy of the
11 disciplinary proceeding, which
12 does not include the name of any
13 other student, such as a victim or
14 witness;

15 “(cc) to provide the student
16 with an opportunity to write a
17 statement to accompany the dis-
18 closure; and

19 “(iii) The Secretary shall take appro-
20 priate steps to notify institutions of post-
21 secondary education that disclosure of in-
22 formation described in clause (ii) is re-
23 quired.”; and

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

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

3 “(i) given the term ‘sex offense’ in
4 section 485(f)(1)(F)(i)(II) of the Higher
5 Education Act of 1965 (20 U.S.C.
6 1092(f)(1)(F)(i)(II));

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

10 “(iii) of an offense that meets the def-
11 inition of rape, fondling, incest, or statu-
12 tory rape under the final regulations pub-
13 lished by the Department of Education in
14 the Federal Register on October 20, 2014,
15 for Appendix A of subpart D of part 668,
16 Code of Federal Regulations (79 Fed. Reg.
17 62752).”.