

118TH CONGRESS  
1ST SESSION

# H. R. 5276

To amend the Elementary and Secondary Education Act of 1965 to protect students from sexual abuse, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

AUGUST 25, 2023

Mr. LIEU introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 to protect students from sexual abuse, and for other purposes.

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 “Preventing Sexual  
5 Abuse of K–12 Students Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Child sexual abuse victims are at greater  
9 risk of experiencing feelings of guilt and shame, suf-  
10 fering from low self-esteem, and developing sub-

1 stance abuse symptoms, depression, and post-trau-  
2 matic stress disorder.

3 (2) A 2004 study by the Department of Edu-  
4 cation indicated that 9.6 percent of students in sec-  
5 ondary schools reported that they had been sub-  
6 jected to sexual misconduct by school personnel.

7 (3) A 2014 report by the Government Account-  
8 ability Office revealed that only 42 States had codes  
9 of conduct for school personnel of which only 22  
10 dealt with appropriate relationships between per-  
11 sonnel and students.

12 (4) Such 2014 report by GAO also revealed  
13 that only 18 States mandated that school districts  
14 provide sexual abuse and misconduct awareness and  
15 prevention training.

16 (5) Title IX of the Education Amendments of  
17 1972 (20 U.S.C. 1681 et seq.), which prohibits sex  
18 discrimination in education programs or activities  
19 receiving federal funds, requires elementary and sec-  
20 ondary schools to protect students from sexual abuse  
21 and misconduct.

22 (6) Educators are dedicated and tireless indi-  
23 viduals serving our communities and they make in-  
24 valuable contributions to our country by preparing  
25 students for the future. They work to provide chil-

1       dren with safe and secure environments in which to  
2       learn and these safe environments should be  
3       strengthened by including the resources and training  
4       necessary to help prevent the sexual abuse of stu-  
5       dents.

6               (7) It is in the interest of the United States to  
7       protect students in elementary and secondary  
8       schools from sexual abuse and misconduct.

9       **SEC. 3. SEXUAL ABUSE AWARENESS TRAINING.**

10       (a) IN GENERAL.—Subpart 2 of part F of title VIII  
11       of the Elementary and Secondary Education Act of 1965  
12       (20 U.S.C. 7901 et seq.) is amended by adding at the end  
13       the following:

14       **“SEC. 8549D. SEXUAL ABUSE AWARENESS TRAINING.**

15       “Each State receiving funds under this Act shall es-  
16       tablish and implement a statewide policy requiring each  
17       local educational agency to—

18               “(1) develop codes of conduct to prevent sexual  
19       abuse of students by identifying acceptable and un-  
20       acceptable behavior for—

21                       “(A) school personnel with respect to rela-  
22       tionships with students; and

23                       “(B) students with respect to relationships  
24       with other students; and

1           “(2) ensure that school personnel receive train-  
2           ing on—

3                   “(A) the codes of conduct described in  
4           paragraph (1);

5                   “(B) Federal and State requirements with  
6           respect to reporting child abuse;

7                   “(C) the requirements under title IX of the  
8           Education Amendments of 1972 (20 U.S.C.  
9           1681 et seq.) with respect to protecting stu-  
10          dents in elementary and secondary schools from  
11          sexual abuse and misconduct; and

12                   “(D) sexual abuse and misconduct aware-  
13          ness and prevention.”.

14          (b) FUNDING.—

15                   (1) GRANTS FOR STATE ASSESSMENTS.—Sec-  
16          tion 1201(a) of the Elementary and Secondary Edu-  
17          cation Act of 1965 (20 U.S.C. 6361(a)) is amended  
18          by adding at the end the following:

19                   “(3) To carry out sexual abuse awareness train-  
20          ing under section 8549D.”.

21                   (2) TYPES OF STATE ACTIVITIES.—Section  
22          2101(c)(4)(B) of the Elementary and Secondary  
23          Education Act of 1965 (20 U.S.C. 6611(c)(4)(B)) is  
24          amended by adding at the end the following:

1                   “(xxii) Carrying out sexual abuse  
2                   awareness training under section 8549D.”.

3                   (3) LOCAL USES OF FUNDS.—Section  
4                   2103(b)(3)(L) of the Elementary and Secondary  
5                   Education Act of 1965 (20 U.S.C. 6613(b)(3)(L)) is  
6                   amended by inserting “and carrying out sexual  
7                   abuse awareness training under section 8549D” be-  
8                   fore the semicolon.

9                   (4) STUDENT SUPPORT AND ACADEMIC ENRICH-  
10                  MENT GRANTS.—Section 4108(5) of the Elementary  
11                  and Secondary Education Act of 1965 (20 U.S.C.  
12                  7118(5)) is amended—

13                         (A) in subparagraph (H)(iii), by striking  
14                         “or” at the end;

15                         (B) in subparagraph (I), by striking the  
16                         period at the end and inserting “; or”; and

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

18                                 “(J) carrying out sexual abuse aware-  
19                                 ness training under section 8549D.”.

20                   (c) EFFECTIVE DATE.—The amendments made by  
21                   this section shall take effect on the date that is 2 years  
22                   after the date of the enactment of this Act.

1 **SEC. 4. REPORT.**

2 Not later than 1 year after the date of the enactment  
3 of this Act, the Secretary of Education shall conduct a  
4 study and submit a report to Congress that includes—

5 (1) the incidence of sexual abuse of elementary  
6 and secondary school students by—

7 (A) other students; and

8 (B) school personnel; and

9 (2) recommendations with respect to preventing  
10 the sexual abuse described in paragraph (1).

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