

112TH CONGRESS
1ST SESSION

H. R. 1648

To amend the Elementary and Secondary Education Act of 1965 to address
and take action to prevent bullying and harassment of students.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 2011

Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. ACKERMAN, Mr. BACA, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BLUMENAUER, Ms. BORDALLO, Mr. CAPUANO, Mr. CARNAHAN, Mr. CARSON of Indiana, Mr. CICILLINE, Ms. CLARKE of New York, Mr. CONNOLLY of Virginia, Mr. COSTELLO, Mr. COURTNEY, Mr. CROWLEY, Ms. DELAURO, Mr. DEUTCH, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FILNER, Mr. AL GREEN of Texas, Mr. GRIJALVA, Ms. HANABUSA, Mr. HANNA, Mr. HASTINGS of Florida, Ms. HIRONO, Ms. NORTON, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. KILDEE, Mr. KUCINICH, Ms. LEE of California, Mrs. MALONEY, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MEEKS, Ms. MOORE, Mr. MORAN, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL, Mr. OLVER, Mr. PASCARELL, Mr. PAYNE, Ms. PINGREE of Maine, Mr. PLATTS, Mr. POLIS, Mr. PRICE of North Carolina, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. SABLAN, Ms. LORETTA SANCHEZ of California, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STARK, Ms. SUTTON, Mr. TONKO, Mr. TOWNS, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. YARMUTH, and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Elementary and Secondary Education Act
of 1965 to address and take action to prevent bullying
and harassment of students.

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 Schools Improve-
5 ment Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Bullying fosters a climate of fear and dis-
9 respect that can seriously impair the physical and
10 psychological health of its victims and create condi-
11 tions that negatively affect learning, thereby under-
12 mining the ability of students to achieve their full
13 potential.

14 (2) Bullying and harassment contribute to high
15 dropout rates, increased absenteeism, and academic
16 underachievement.

17 (3) Bullying and harassment includes a range
18 of behaviors that negatively impact a student’s abil-
19 ity to learn and participate in educational opportuni-
20 ties and activities that schools offer. Such behaviors
21 can include hitting or punching, teasing or name-
22 calling, intimidation through gestures or social ex-
23 clusion, and sending insulting or offensive messages
24 through electronic communications such as Internet

1 sites, e-mail, instant messaging, mobile phones and
2 messaging, telephone, or any other means.

3 (4) Schools with enumerated anti-bullying and
4 harassment policies have an increased level of re-
5 porting and teacher intervention in incidents of bul-
6 lying and harassment, thereby reducing the overall
7 frequency and number of such incidents.

8 (5) Students have been particularly singled out
9 for bullying and harassment on the basis of their ac-
10 tual or perceived race, color, national origin, sex,
11 disability status, sexual orientation or gender iden-
12 tity, among other categories.

13 (6) Some young people experience a form of
14 bullying called relational aggression or psychological
15 bullying, which harms individuals by damaging,
16 threatening, or manipulating their relationships with
17 their peers, or by injuring their feelings of social ac-
18 ceptance.

19 (7) Interventions to address bullying and har-
20 assment and create a positive and safe school cli-
21 mate, combined with evidence-based discipline poli-
22 cies and practices, such as Positive Behavior Inter-
23 ventions and Supports (PBIS) and restorative prac-
24 tices, can minimize suspensions, expulsions, and
25 other exclusionary discipline policies to ensure that

1 students are not “pushed-out” or diverted to the ju-
2 venile justice system.

3 (8) According to a recent poll, 85 percent of
4 Americans strongly support or somewhat support a
5 Federal law to require schools to enforce specific
6 rules to prevent bullying.

7 (9) Students, parents, educators, and policy-
8 makers have come together to call for leadership and
9 action to address the national crisis of bullying and
10 harassment.

11 **SEC. 3. SAFE SCHOOLS IMPROVEMENT.**

12 (a) IN GENERAL.—Title IV of the Elementary and
13 Secondary Education Act of 1965 (20 U.S.C. 7101 et
14 seq.) is amended by adding at the end the following:

15 **“PART D—SAFE SCHOOLS IMPROVEMENT**

16 **“SEC. 4401. PURPOSE.**

17 “The purpose of this part is to address the problem
18 of bullying and harassment of students in public elemen-
19 tary schools and secondary schools.

20 **“SEC. 4402. STATE REQUIREMENTS.**

21 “(a) STATE REPORTING, NEEDS ASSESSMENT, AND
22 TECHNICAL ASSISTANCE.—Each State that receives funds
23 under this Act shall carry out the following:

24 “(1) COLLECTION AND REPORT OF INFORMA-
25 TION.—

1 “(A) IN GENERAL.—The State shall collect
2 and report information on the incidence, preva-
3 lence, age of onset, perception of health risk,
4 and perception of social disapproval of bullying
5 and harassment by youth in elementary schools
6 and secondary schools and communities in the
7 State.

8 “(B) SOURCE OF INFORMATION.—In col-
9 lecting information described in subparagraph
10 (A), the State shall include information col-
11 lected from incident reports by school officials,
12 anonymous student surveys, and anonymous
13 teacher, administrator, specialized instructional
14 support personnel, and other school personnel
15 surveys reported to the State on a school-by-
16 school basis but shall not identify victims of
17 bullying or harassment or persons accused of
18 bullying or harassment.

19 “(C) REPORT.—The chief executive officer
20 of the State, in cooperation with the State edu-
21 cational agency, shall—

22 “(i) submit a biennial report on the
23 information described in this paragraph to
24 the Secretary; and

1 “(ii) make such information readily
2 available to the public.

3 “(2) NEEDS ASSESSMENT.—The State shall
4 conduct, and publicly report the results of, a needs
5 assessment for bullying and harassment prevention
6 programs, which shall be based on ongoing State
7 evaluation activities, including data on—

8 “(A) the incidence and prevalence of re-
9 ported incidents of bullying and harassment;
10 and

11 “(B) the perception of students, parents,
12 and communities regarding their school envi-
13 ronment, including with respect to the preva-
14 lence and seriousness of incidents of bullying
15 and harassment and the responsiveness of the
16 school to those incidents.

17 “(3) TECHNICAL ASSISTANCE.—The State shall
18 provide technical assistance to local educational
19 agencies and schools in their efforts to prevent and
20 appropriately respond to incidents of bullying and
21 harassment.

22 “(b) AVAILABLE FUNDING FOR STATES.—To imple-
23 ment the requirements described in subsection (a), the
24 State may use—

1 “(1) administrative funds consolidated under
2 section 9201; or

3 “(2) other funds available to the State under
4 this Act, to the extent consistent with the authorized
5 uses of such funds.

6 **“SEC. 4403. LOCAL EDUCATIONAL AGENCY REQUIREMENTS.**

7 “(a) LOCAL EDUCATIONAL AGENCY DISCIPLINE
8 POLICIES, PERFORMANCE INDICATORS, AND GRIEVANCE
9 PROCEDURES.—Each local educational agency that re-
10 ceives funds under this Act shall—

11 “(1) include within the agency’s comprehensive
12 discipline policies clear prohibitions against bullying
13 and harassment for the protection of all students;

14 “(2) establish and monitor performance indica-
15 tors for incidents of bullying and harassment;

16 “(3) provide annual notice to parents, students,
17 and educational professionals—

18 “(A) describing the full range of bullying
19 and harassment conduct prohibited by the agen-
20 cy’s discipline policies; and

21 “(B) reporting on the numbers and nature
22 of bullying and harassment incidents for each
23 school served by the local educational agency;
24 and

1 “(4) establish and provide annual notice to stu-
2 dents, parents, and educational professionals of
3 grievance procedures for students, parents, or edu-
4 cational professionals who seek to register com-
5 plaints regarding bullying and harassment prohib-
6 ited by the discipline policies, including—

7 “(A) the name of the local educational
8 agency official who is designated as responsible
9 for receiving such complaints; and

10 “(B) timelines that the local educational
11 agency will follow in the resolution of such com-
12 plaints.

13 “(b) AVAILABLE FUNDING FOR LOCAL EDU-
14 CATIONAL AGENCIES.—To implement the requirements
15 described in subsection (a), the local educational agency
16 may use—

17 “(1) administrative funds consolidated under
18 section 9203; or

19 “(2) other funds available to the local edu-
20 cational agency under this Act, to the extent con-
21 sistent with the authorized uses of such funds.

22 **“SEC. 4404. EVALUATION.**

23 “(a) BIENNIAL EVALUATION.—The Secretary shall
24 conduct an independent biennial evaluation of programs
25 to combat bullying and harassment in elementary schools

1 and secondary schools, including implementation of the re-
2 quirements described in sections 4402 and 4403, including
3 whether such programs have appreciably reduced the level
4 of bullying and harassment and have conducted effective
5 parent involvement and training programs.

6 “(b) DATA COLLECTION.—The Commissioner for
7 Education Statistics shall collect data, that are subject to
8 independent review, to determine the incidence and preva-
9 lence of bullying and harassment in elementary schools
10 and secondary schools in the United States. The collected
11 data shall include incident reports by school officials,
12 anonymous student surveys, anonymous parent surveys,
13 and anonymous teacher, administrator, specialized in-
14 structional support personnel, and other school personnel
15 surveys.

16 “(c) BIENNIAL REPORT.—Not later than January 1,
17 2012, and every 2 years thereafter, the Secretary shall
18 submit to the President and Congress a report on the find-
19 ings of the evaluation conducted under subsection (a) to-
20 gether with the data collected under subsection (b) and
21 data submitted by the States under section
22 4402(a)(1)(C)(i).

23 **“SEC. 4405. DEFINITIONS.**

24 “In this part:

25 “(1) BULLYING.—The term ‘bullying’—

1 “(A) means conduct, including an elec-
2 tronic communication, that adversely affects the
3 ability of 1 or more students to participate in
4 or benefit from the school’s educational pro-
5 grams or activities by placing the student (or
6 students) in reasonable fear of physical harm;
7 and

8 “(B) includes conduct that is based on—

9 “(i) a student’s actual or perceived—

10 “(I) race;

11 “(II) color;

12 “(III) national origin;

13 “(IV) sex;

14 “(V) disability;

15 “(VI) sexual orientation;

16 “(VII) gender identity; or

17 “(VIII) religion;

18 “(ii) any other distinguishing charac-
19 teristics that may be defined by a State or
20 local educational agency; or

21 “(iii) association with a person or
22 group with 1 or more of the actual or per-
23 ceived characteristics listed in clause (i) or
24 (ii).

1 “(2) ELECTRONIC COMMUNICATION.—The term
2 ‘electronic communication’ means a communication
3 transmitted by means of an electronic device, such
4 as a telephone, cellular phone, computer, or pager.

5 “(3) HARASSMENT.—The term ‘harassment’—

6 “(A) means conduct, including an elec-
7 tronic communication, that adversely affects the
8 ability of 1 or more students to participate in
9 or benefit from the school’s educational pro-
10 grams or activities because the conduct, as rea-
11 sonably perceived by the student (or students),
12 is so severe, persistent, or pervasive; and

13 “(B) includes conduct that is based on—

14 “(i) a student’s actual or perceived—

15 “(I) race;

16 “(II) color;

17 “(III) national origin;

18 “(IV) sex;

19 “(V) disability;

20 “(VI) sexual orientation;

21 “(VII) gender identity; or

22 “(VIII) religion;

23 “(ii) any other distinguishing char-
24 acteristic that may be defined by a State
25 or local educational agency; or

1 “(iii) association with a person or
2 group with 1 or more of the actual or per-
3 ceived characteristics listed in clause (i) or
4 (ii).

5 **“SEC. 4406. EFFECT ON OTHER LAWS.**

6 “(a) FEDERAL AND STATE NONDISCRIMINATION
7 LAWS.—Nothing in this part shall be construed to invali-
8 date or limit rights, remedies, procedures, or legal stand-
9 ards available to victims of discrimination under any other
10 Federal law or law of a State or political subdivision of
11 a State, including title VI of the Civil Rights Act of 1964
12 (42 U.S.C. 2000d et seq.), title IX of the Education
13 Amendments of 1972 (20 U.S.C. 1681 et seq.), section
14 504 or 505 of the Rehabilitation Act of 1973 (29 U.S.C.
15 794, 794a), or the Americans with Disabilities Act of 1990
16 (42 U.S.C. 12101 et seq.). The obligations imposed by this
17 part are in addition to those imposed by title VI of the
18 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title
19 IX of the Education Amendments of 1972 (20 U.S.C.
20 1681 et seq.), section 504 of the Rehabilitation Act of
21 1973 (29 U.S.C. 794), and the Americans with Disabil-
22 ities Act of 1990 (42 U.S.C. 12101 et seq.).

23 “(b) FREE SPEECH AND EXPRESSION LAWS.—Noth-
24 ing in this part shall be construed to alter legal standards
25 regarding, or affect the rights (including remedies and

1 procedures) available to individuals under, other Federal
2 laws that establish protections for freedom of speech or
3 expression.

4 **“SEC. 4407. RULE OF CONSTRUCTION.**

5 “Nothing in this part shall be construed to prohibit
6 a State or local entity from enacting any law with respect
7 to the prevention of bullying or harassment of students
8 that is not inconsistent with this part.”.

9 (b) TABLE OF CONTENTS.—The table of contents in
10 section 2 of the Elementary and Secondary Education Act
11 of 1965 is amended by inserting after the item relating
12 to section 4304 the following:

“PART D—SAFE SCHOOLS IMPROVEMENT

“Sec. 4401. Purpose.

“Sec. 4402. State requirements.

“Sec. 4403. Local educational agency requirements.

“Sec. 4404. Evaluation.

“Sec. 4405. Definitions.

“Sec. 4406. Effect on other laws.

“Sec. 4407. Rule of construction.”.

