

108TH CONGRESS  
2D SESSION

# H. R. 4776

To amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 7, 2004

Mr. SHIMKUS (for himself and Mr. DAVIS of Illinois) introduced the following bill; which was referred to the Committee on Education and the Workforce

---

## A BILL

To amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs.

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. BULLYING AND HARASSMENT PREVENTION**

4                       **POLICIES, PROGRAMS, AND STATISTICS.**

5       (a) STATE REPORTING REQUIREMENTS.—Section  
6       4112(c)(3)(B)(iv) of the Safe and Drug-Free Schools and  
7       Communities Act (20 U.S.C. 7112(c)(3)(B)(iv)) is amend-  
8       ed by inserting “, including bullying and harassment,”  
9       after “violence”.

1 (b) STATE APPLICATION.—Section 4113(a) of such  
2 Act (20 U.S.C. 7113(a)) is amended—

3 (1) in paragraph (9)—

4 (A) in subparagraph (C), by striking  
5 “and” at the end; and

6 (B) by adding at the end the following:

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

10 “(F) the perception of students regarding  
11 their school environment, including with respect  
12 to the prevalence and seriousness of incidents of  
13 bullying and harassment and the responsiveness  
14 of the school to those incidents;”;

15 (2) in paragraph (18), by striking “and” at the  
16 end;

17 (3) in paragraph (19), by striking the period at  
18 the end and inserting “; and”; and

19 (4) by adding at the end the following:

20 “(20) provides an assurance that the State edu-  
21 cational agency will provide assistance to districts  
22 and schools in their efforts to prevent and appro-  
23 priately respond to incidents of bullying and harass-  
24 ment and describes how the agency will meet this re-  
25 quirement.”.

1           (c) LOCAL EDUCATIONAL AGENCY PROGRAM APPLI-  
2   CATION.—Section 4114(d) of such Act (20 U.S.C.  
3   7114(d)) is amended—

4           (1) in paragraph (2)(B)(i)—

5                 (A) in the matter preceding subclause (I),  
6           by striking the semicolon and inserting a  
7           comma;

8                 (B) in subclause (I), by striking “and” at  
9           the end; and

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

11                         “(III) performance indicators for  
12                         bullying and harassment prevention  
13                         programs and activities; and”; and

14           (2) in paragraph (7)—

15                 (A) in subparagraph (A), by inserting “,  
16           including bullying and harassment” after “dis-  
17           orderly conduct”;

18                 (B) in subparagraph (D), by striking  
19           “and” at the end; and

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

21                         “(F) annual notice to parents and students  
22                         describing the full range of prohibited conduct  
23                         contained in the discipline policies described in  
24                         subparagraph (A); and

“(G) complaint procedures for students or parents that seek to register complaints regarding the prohibited conduct contained in the discipline policies described in subparagraph (A), including—

“(i) the name of the school or district officials who are designated as responsible for receiving such complaints; and

“(ii) timelines that the school or district will follow in the resolution of such complaints;”.

(d) AUTHORIZED ACTIVITIES.—Section 4115(b)(2) of such Act (20 U.S.C. 7115(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (vi), by striking “and” at the end;

(B) in clause (vii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(viii) teach students about the consequences of bullying and harassment.”; and

(2) in subparagraph (E), by adding at the end the following:

1                   “(xxiii) Programs that address the  
2                   causes of bullying and harassment and  
3                   that train teachers, administrators, and  
4                   counselors regarding strategies to prevent  
5                   bullying and harassment and to effectively  
6                   intervene when such incidents occur.”.

7           (e) REPORTING.—Section 4116(a)(2)(B) of such Act  
8   (20 U.S.C. 7116(a)(2)(B)) is amended by inserting “, in-  
9   cluding bullying and harassment,” after “drug use and vi-  
10   olence”.

11          (f) IMPACT EVALUATION.—Section 4122 of such Act  
12   (20 U.S.C. 7132) is amended—

13               (1) in subsection (a)(2), by striking “and school  
14               violence” and inserting “school violence, including  
15               bullying and harassment,”; and

16               (2) in the first sentence of subsection (b), by in-  
17               serting “, including bullying and harassment,” after  
18               “drug use and violence”.

19          (g) DEFINITIONS.—

20               (1) DRUG AND VIOLENCE PREVENTION.—Para-  
21               graph (3)(B) of section 4151 of such Act (20 U.S.C.  
22               7151) is amended by inserting “, bullying, and other  
23               harassment” after “sexual harassment and abuse”.

24               (2) PROTECTIVE FACTOR, BUFFER, OR  
25               ASSET.—Paragraph (6) of such section is amended

1 by inserting “, including bullying and harassment”  
2 after “violent behavior”.

3 (3) RISK FACTOR.—Paragraph (7) of such sec-  
4 tion is amended by inserting “, including bullying  
5 and harassment” after “violent behavior”.

6 (4) BULLYING, HARASSMENT, AND VIO-  
7 LENCE.—Such section is further amended by adding  
8 at the end the following:

9 “(12) BULLYING.—The term ‘bullying’ means  
10 conduct, including conduct that is based on a stu-  
11 dent’s actual or perceived identity with regard to  
12 race, color, national origin, gender, disability, sexual  
13 orientation, religion, or any other distinguishing  
14 characteristics that may be defined by a State or  
15 local educational agency, that—

16 “(A) is directed at one or more students;

17 “(B) substantially interferes with edu-  
18 cational opportunities or educational programs  
19 of such students; and

20 “(C) adversely affects the ability of a stu-  
21 dent to participate in or benefit from the  
22 school’s educational programs or activities by  
23 placing a student in reasonable fear of physical  
24 harm.

1           “(13) HARASSMENT.—The term ‘harassment’  
2       means conduct, including conduct that is based on  
3       a student’s actual or perceived identity with regard  
4       to race, color, national origin, gender, disability, sex-  
5       ual orientation, religion, or any other distinguishing  
6       characteristics that may be defined by a State or  
7       local educational agency, that—

8           “(A) is directed at one or more students;

9           “(B) substantially interferes with edu-  
10       cational opportunities or educational programs  
11       of such students; and

12          “(C) adversely affects the ability of a stu-  
13       dent to participate in or benefit from the  
14       school’s educational programs or activities be-  
15       cause the conduct as reasonably perceived by  
16       the student is so severe, pervasive, and objec-  
17       tively offensive.

18          “(14) VIOLENCE.—The term ‘violence’ includes  
19       bullying and harassment.”.

20       (h) EFFECT ON OTHER LAWS.—

21          (1) AMENDMENT.—The Safe and Drug-Free  
22       Schools and Communities Act (20 U.S.C. 7101 et  
23       seq.) is amended by adding at the end the following:

1 **“SEC. 4156. EFFECT ON OTHER LAWS.**

2       “(a) FEDERAL AND STATE NONDISCRIMINATION  
3 LAWS.—Nothing in this part shall be construed to alter  
4 legal standards regarding, or limit rights available to vic-  
5 tims of, bullying or harassment under other Federal or  
6 State laws, including title VI of the Civil Rights Act of  
7 1964 (42 U.S.C. 2000d et seq.), title IX of the Education  
8 Amendments of 1972 (20 U.S.C. 1681 et seq.), section  
9 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794),  
10 or the Americans with Disabilities Act of 1990 (42 U.S.C.  
11 12101 et seq.).

12       “(b) FREE SPEECH AND EXPRESSION LAWS.—Noth-  
13 ing in this part shall be construed to alter legal standards  
14 regarding, or affect the rights available to individuals  
15 under, other Federal laws that establish protections for  
16 freedom of speech and expression.”.

17       (2) CLERICAL AMENDMENT.—The table of con-  
18 tents of the Elementary and Secondary Education  
19 Act of 1965 (20 U.S.C. 6301 et seq.) is amended by  
20 adding after the item relating to section 4155 the  
21 following:

“Sec. 4156. Effect on other laws.”.

○