

111TH CONGRESS  
2D SESSION

# S. 3739

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

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## IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2010

Mr. CASEY (for himself, Mrs. MURRAY, Mr. BURRIS, Ms. CANTWELL, Ms. KLOBUCHAR, Mr. BROWN of Ohio, Mr. FEINGOLD, Mr. MERKLEY, Mrs. GILLIBRAND, Mr. SANDERS, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## 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. SHORT TITLE.**

4 This Act may be cited as the “Safe Schools Improve-  
5 ment Act of 2010”.

### 6 **SEC. 2. BULLYING AND HARASSMENT PREVENTION POLI-** 7 **CIES, PROGRAMS, AND STATISTICS.**

8 (a) STATE REPORTING REQUIREMENTS.—Section  
9 4112(c)(3)(B)(iv) of the Safe and Drug-Free Schools and

1 Communities Act (20 U.S.C. 7112(c)(3)(B)(iv)) is amend-  
 2 ed by inserting “, including bullying and harassment,”  
 3 after “violence”.

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

6 (1) in paragraph (9)—

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

9 (B) by redesignating subparagraph (D) as  
 10 subparagraph (F); and

11 (C) by inserting after subparagraph (C)  
 12 (as amended by subparagraph (A)) the fol-  
 13 lowing:

14 “(D) the incidence and prevalence of re-  
 15 ported incidents of bullying and harassment;

16 “(E) the perception of students regarding  
 17 their school environment, including with respect  
 18 to the prevalence and seriousness of incidents of  
 19 bullying and harassment and the responsiveness  
 20 of the school to those incidents; and”;

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

23 (3) by redesignating paragraph (19) as para-  
 24 graph (20); and

(4) by inserting after paragraph (18) (as amended by paragraph (2)) the following:

“(19) provides an assurance that the State educational agency will provide assistance to school districts and schools in their efforts to prevent and appropriately respond to incidents of bullying and harassment and describes how the State educational agency will meet the requirements of this paragraph; and”.

(c) LOCAL EDUCATIONAL AGENCY PROGRAM APPLICATION.—Section 4114(d) of such Act (20 U.S.C. 7114(d)) is amended—

(1) in paragraph (2)(B)(i)—

(A) in subclause (I), by striking “and” at the end; and

(B) by adding at the end the following:

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

(2) in paragraph (7)—

(A) in subparagraph (A), by inserting “, including bullying and harassment” after “disorderly conduct”;

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

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

2 “(F) annual notice to parents and students  
3 describing the full range of prohibited conduct  
4 contained in the discipline policies described in  
5 subparagraph (A); and

6 “(G) grievance procedures for students or  
7 parents that seek to register complaints regard-  
8 ing the prohibited conduct contained in the dis-  
9 cipline policies described in subparagraph (A),  
10 including—

11 “(i) the name of the school district of-  
12 ficials who are designated as responsible  
13 for receiving such complaints; and

14 “(ii) timelines that the school district  
15 will follow in the resolution of such com-  
16 plaints;”.

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

19 (1) in subparagraph (A)—

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

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

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

1 “(viii) teach students about the con-  
2 sequences of bullying and harassment.”;  
3 and

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

6 “(xxiii) Programs that address the  
7 causes of bullying and harassment and  
8 that train teachers, administrators, special-  
9 ized instructional support personnel, and  
10 other school personnel regarding strategies  
11 to prevent bullying and harassment and to  
12 effectively intervene when incidents of bul-  
13 lying and harassment occur.”.

14 (e) REPORTING.—Section 4116(a)(2)(B) of such Act  
15 (20 U.S.C. 7116(a)(2)(B)) is amended by inserting “, in-  
16 cluding bullying and harassment,” after “drug use and vi-  
17 olence”.

18 (f) IMPACT EVALUATION.—Section 4122 of such Act  
19 (20 U.S.C. 7132) is amended—

20 (1) in subsection (a)(2), by striking “and school  
21 violence” and inserting “school violence, including  
22 bullying and harassment,”; and

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

1 (g) DEFINITIONS.—

2 (1) DRUG AND VIOLENCE PREVENTION.—Para-  
3 graph (3)(B) of section 4151 of such Act (20 U.S.C.  
4 7161) is amended by inserting “, bullying, and other  
5 harassment” after “sexual harassment and abuse”.

6 (2) PROTECTIVE FACTOR, BUFFER, OR  
7 ASSET.—Paragraph (6) of such section is amended  
8 by inserting “, including bullying and harassment”  
9 after “violent behavior”.

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

13 (4) BULLYING AND HARASSMENT.—Such sec-  
14 tion is further amended—

15 (A) by redesignating paragraphs (4)  
16 through (11) (as amended by paragraphs (2)  
17 and (3)), as paragraphs (6) through (13), re-  
18 spectively;

19 (B) by redesignating paragraphs (1)  
20 through (3) (as amended by paragraph (1)), as  
21 paragraphs (2) through (4), respectively;

22 (C) by inserting before paragraph (2) (as  
23 redesignated by subparagraph (B)) the fol-  
24 lowing:

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

1           “(A) means conduct that adversely affects  
 2           the ability of one or more students to partici-  
 3           pate in or benefit from the school’s educational  
 4           programs or activities by placing the student  
 5           (or students) in reasonable fear of physical  
 6           harm; and

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

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

9                           “(I) race;

10                          “(II) color;

11                          “(III) national origin;

12                          “(IV) sex;

13                          “(V) disability;

14                          “(VI) sexual orientation;

15                          “(VII) gender identity; or

16                          “(VIII) religion;

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

20                   “(iii) association with a person or  
 21                   group with one or more of the actual or  
 22                   perceived characteristics listed in clause (i)  
 23                   or (ii).”; and

(D) by inserting after paragraph (4) (as redesignated by subparagraph (B)) the following:

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

“(A) means conduct that adversely affects the ability of one or more students to participate in or benefit from the school’s educational programs or activities because the conduct, as reasonably perceived by the student (or students), is so severe, persistent, or pervasive; and

“(B) includes conduct that is based on—

“(i) a student’s actual or perceived—

“(I) race;

“(II) color;

“(III) national origin;

“(IV) sex;

“(V) disability;

“(VI) sexual orientation;

“(VII) gender identity; or

“(VIII) religion;

“(ii) any other distinguishing characteristics that may be defined by a State or local educational agency; or



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

5           (h) EFFECT ON OTHER LAWS.—

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

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

10           “(a) FEDERAL AND STATE NONDISCRIMINATION  
 11 LAWS.—Nothing in this part shall be construed to invali-  
 12 date or limit rights, remedies, procedures, or legal stand-  
 13 ards available to victims of discrimination under any other  
 14 Federal law or law of a State or political subdivision of  
 15 a State, including title VI of the Civil Rights Act of 1964  
 16 (42 U.S.C. 2000d et seq.), title IX of the Education  
 17 Amendments of 1972 (20 U.S.C. 1681 et seq.), section  
 18 504 or 505 of the Rehabilitation Act of 1973 (29 U.S.C.  
 19 794, 794a), or the Americans with Disabilities Act of 1990  
 20 (42 U.S.C. 12101 et seq.). The obligations imposed by this  
 21 part are in addition to those imposed by title VI of the  
 22 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title  
 23 IX of the Education Amendments of 1972 (20 U.S.C.  
 24 1681 et seq.), section 504 of the Rehabilitation Act of

1 1973 (29 U.S.C. 794), and the Americans with Disabil-  
 2 ities Act of 1990 (42 U.S.C. 12101 et seq.).

3 “(b) FREE SPEECH AND EXPRESSION LAWS.—Noth-  
 4 ing in this part shall be construed to alter legal standards  
 5 regarding, or affect the rights (including remedies and  
 6 procedures) available to individuals under, other Federal  
 7 laws that establish protections for freedom of speech or  
 8 expression.”.

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

“Sec. 4156. Effect on other laws.”.

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