

113TH CONGRESS
1ST SESSION

H. R. 1199

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

MARCH 14, 2013

Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. BASS, Ms. BORDALLO, Mr. BRALEY of Iowa, Ms. BROWN of Florida, Mrs. CAPPS, Mr. CAPUANO, Mr. CARSON of Indiana, Ms. CASTOR of Florida, Mr. CICILLINE, Ms. CLARKE, Mr. CLAY, Mr. CLEAVER, Mr. CONYERS, Mr. CUMMINGS, Mrs. DAVIS of California, Ms. DELAURO, Mr. DEUTCH, Mr. ELLISON, Mr. AL GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HANNA, Mr. HASTINGS of Florida, Mr. HIMES, Mr. HORSFORD, Ms. JACKSON LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LANGEVIN, Ms. LEE of California, Mr. LEVIN, Mr. LEWIS, Mr. LOEBSACK, Ms. LOFGREN, Mr. LOWENTHAL, Mr. LYNCH, Mr. SEAN PATRICK MALONEY of New York, Mr. MATHESON, Ms. MCCOLLUM, Mr. McDERMOTT, Mr. MCGOVERN, Mr. MICHAUD, Mr. MORAN, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL, Ms. NORTON, Ms. PINGREE of Maine, Mr. POCAN, Mr. POLIS, Mr. PRICE of North Carolina, Ms. ROS-LEHTINEN, Mr. RYAN of Ohio, Mr. SCHIFF, Ms. SEWELL of Alabama, Mr. SIRES, Ms. SLAUGHTER, Mr. SMITH of Washington, Ms. SPEIER, Mr. THOMPSON of California, Ms. TITUS, Mr. TONKO, Ms. TSONGAS, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, and Mr. YARMUTH) 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 2013”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Bullying and harassment foster a climate of
9 fear and disrespect that can seriously impair the
10 physical and psychological health of its victims and
11 create conditions that negatively affect learning,
12 thereby undermining the ability of students to
13 achieve their full potential.

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

17 (3) Bullying and harassment include a range of
18 behaviors that negatively impact a student’s ability
19 to learn and participate in educational opportunities
20 and activities that schools offer. Such behaviors can
21 include hitting or punching, name-calling, intimidat-
22 ion through gestures or social exclusion, and send-
23 ing insulting or offensive messages through elec-
24 tronic communications, such as internet sites, e-

1 mail, instant messaging, mobile phones and mes-
2 saging, 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, gender identity,
12 or religion, 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 conduct to create a positive and safe school
21 climate, combined with evidence-based discipline
22 policies and practices, such as Positive Behavior
23 Interventions and Supports (PBIS) and restorative
24 practices, 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 one poll, 85 percent of Ameri-
4 cans strongly support or somewhat support a Fed-
5 eral law to require schools to enforce specific rules
6 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 conduct of students in public
19 elementary schools and secondary schools.

20 **“SEC. 4402. ANTI-BULLYING POLICIES.**

21 “(a) BULLYING.—In this part, the term ‘bullying’ in-
22 cludes cyber-bullying through electronic communications.

23 “(b) POLICIES.—A State that receives a grant under
24 this title shall require all local educational agencies in the
25 State to carry out the following:

1 “(1) Establish policies that prevent and prohibit
2 conduct, including bullying and harassment, that is
3 sufficiently severe, persistent, or pervasive—

4 “(A) to limit a student’s ability to partici-
5 pate in, or benefit from, a program or activity
6 of a public school or local educational agency;
7 or

8 “(B) to create a hostile or abusive edu-
9 cational environment, adversely affecting a stu-
10 dent’s education, at a program or activity of a
11 public school or local educational agency, in-
12 cluding acts of verbal, nonverbal, or physical
13 aggression or intimidation.

14 “(2) The policies required under paragraph (1)
15 shall include a prohibition of bullying or harassment
16 conduct based on—

17 “(A) a student’s actual or perceived race,
18 color, national origin, sex, disability, sexual ori-
19 entation, gender identity, or religion;

20 “(B) the actual or perceived race, color,
21 national origin, sex, disability, sexual orienta-
22 tion, gender identity, or religion of a person
23 with whom a student associates or has associ-
24 ated; or

1 “(C) any other distinguishing characteris-
2 tics that may be defined by the State or local
3 educational agency, including being homeless or
4 the child or ward of a member of the Armed
5 Forces.

6 “(3) Provide—

7 “(A) annual notice to students, parents,
8 and educational professionals describing the full
9 range of prohibited conduct contained in such
10 local educational agency’s discipline policies;
11 and

12 “(B) grievance procedures for students or
13 parents to register complaints regarding the
14 prohibited conduct contained in such local edu-
15 cational agency’s discipline policies, including—

16 “(i) the name of the local educational
17 agency officials who are designated as re-
18 sponsible for receiving such complaints;
19 and

20 “(ii) timelines that the local edu-
21 cational agency will establish in the resolu-
22 tion of such complaints.

23 “(4) Collect annual incidence and frequency of
24 incidents data about the conduct prohibited by the
25 policies described in paragraph (1) at the school

1 building level that are accurate and complete and
2 publicly report such data at the school level and
3 local educational agency level. The local educational
4 agency shall ensure that victims or persons respon-
5 sible for such conduct are not identifiable.

6 “(5) Encourage positive and preventative ap-
7 proaches to school discipline that minimize students’
8 removal from instruction and ensure that students,
9 including students described in paragraph (2), are
10 not subject to disproportionate punishment.

11 **“SEC. 4403. STATE REPORTS.**

12 “The chief executive officer of a State that receives
13 a grant under this title, in cooperation with the State edu-
14 cational agency, shall submit a biennial report to the Sec-
15 retary—

16 “(1) on the information reported by local edu-
17 cational agencies in the State pursuant to section
18 4402(b)(5); and

19 “(2) describing the State’s plans for supporting
20 local educational agency efforts to address the con-
21 duct prohibited by the policies described in section
22 4402(b)(1).

23 **“SEC. 4404. EVALUATION.**

24 “(a) BIENNIAL EVALUATION.—The Secretary shall
25 conduct an independent biennial evaluation of programs

1 and policies to combat bullying and harassment in elemen-
2 tary schools and secondary schools, including implementa-
3 tion of the requirements described in section 4402, includ-
4 ing whether such requirements have appreciably reduced
5 the level of the prohibited conduct and have conducted ef-
6 fective parent involvement and training programs.

7 “(b) DATA COLLECTION.—The Commissioner for
8 Education Statistics shall collect data from States, that
9 are subject to independent review, to determine the inci-
10 dence and frequency of conduct prohibited by the policies
11 described in section 4402.

12 “(c) BIENNIAL REPORT.—Not later than January 1,
13 2015, and every 2 years thereafter, the Secretary shall
14 submit to the President and Congress a report on the find-
15 ings of the evaluation conducted under subsection (a) to-
16 gether with the data collected under subsection (b) and
17 data submitted by the States under section 4403.

18 **“SEC. 4405. EFFECT ON OTHER LAWS.**

19 “(a) FEDERAL AND STATE NONDISCRIMINATION
20 LAWS.—Nothing in this part shall be construed to invali-
21 date or limit rights, remedies, procedures, or legal stand-
22 ards available to victims of discrimination under any other
23 Federal law or law of a State or political subdivision of
24 a State, including title VI of the Civil Rights Act of 1964
25 (42 U.S.C. 2000d et seq.), title IX of the Education

1 Amendments of 1972 (20 U.S.C. 1681 et seq.), section
 2 504 or 505 of the Rehabilitation Act of 1973 (29 U.S.C.
 3 794, 794a), or the Americans with Disabilities Act of 1990
 4 (42 U.S.C. 12101 et seq.). The obligations imposed by this
 5 part are in addition to those imposed by title VI of the
 6 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title
 7 IX of the Education Amendments of 1972 (20 U.S.C.
 8 1681 et seq.), section 504 of the Rehabilitation Act of
 9 1973 (29 U.S.C. 794), and the Americans with Disabil-
 10 ities Act of 1990 (42 U.S.C. 12101 et seq.).

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

17 **“SEC. 4406. RULE OF CONSTRUCTION.**

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

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

“PART D—SAFE SCHOOLS IMPROVEMENT

- “Sec. 4401. Purpose.
- “Sec. 4402. Anti-bullying policies.
- “Sec. 4403. State reports.
- “Sec. 4404. Evaluation.
- “Sec. 4405. Effect on other laws.
- “Sec. 4406. Rule of construction.”.

