

114TH CONGRESS  
1ST SESSION

# H. R. 2902

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

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2015

Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. GIBSON, Ms. ADAMS, Ms. JUDY CHU of California, Ms. CLARK of Massachusetts, Mr. COFFMAN, Mr. DESAULNIER, Mr. DEUTCH, Mr. ELLISON, Mr. FITZPATRICK, Mr. HANNA, Mr. HONDA, Mr. KING of New York, Mr. MACARTHUR, Mr. POCAN, Mr. POLIS, Ms. ROS-LEHTINEN, Mr. SCOTT of Virginia, Mr. TAKANO, Mr. TONKO, Mr. YOUNG of Alaska, and Mr. LOBIONDO) 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 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 2015”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Bullying and harassment foster a climate of  
2           fear and disrespect that can seriously impair the  
3           physical and psychological health of its victims and  
4           create conditions that negatively affect learning,  
5           thereby undermining the ability of students to  
6           achieve their full potential.

7           (2) Bullying and harassment contribute to high  
8           dropout rates, increased absenteeism, and academic  
9           underachievement.

10          (3) Bullying and harassment include a range of  
11          behaviors that negatively impact a student's ability  
12          to learn and participate in educational opportunities  
13          and activities that schools offer. Such behaviors can  
14          include hitting or punching, name-calling, intimidat-  
15          ion through gestures or social exclusion, and send-  
16          ing insulting or offensive messages through elec-  
17          tronic communications, such as Internet sites, e-  
18          mail, instant messaging, mobile phones and mes-  
19          saging, telephone, or any other means.

20          (4) Schools with enumerated anti-bullying and  
21          harassment policies have an increased level of re-  
22          porting and teacher intervention in incidents of bul-  
23          lying and harassment, thereby reducing the overall  
24          frequency and number of such incidents.

1           (5) Students have been particularly singled out  
2           for bullying and harassment on the basis of their ac-  
3           tual or perceived race, color, national origin, sex,  
4           disability status, sexual orientation, gender identity,  
5           or religion, among other categories.

6           (6) Some young people experience a form of  
7           bullying called relational aggression or psychological  
8           bullying, which harms individuals by damaging,  
9           threatening, or manipulating their relationships with  
10          their peers, or by injuring their feelings of social ac-  
11          ceptance.

12          (7) Interventions to address bullying and har-  
13          assment conduct to create a positive and safe school  
14          climate, combined with evidence-based discipline  
15          policies and practices, such as Positive Behavior  
16          Interventions and Supports (PBIS) and restorative  
17          practices, can minimize suspensions, expulsions, and  
18          other exclusionary discipline policies to ensure that  
19          students are not “pushed-out” or diverted to the ju-  
20          venile justice system.

21          (8) According to one poll, 85 percent of Ameri-  
22          cans strongly support or somewhat support a Fed-  
23          eral law to require schools to enforce specific rules  
24          to prevent bullying.

1           (9) Students, parents, educators, and policy-  
2           makers have come together to call for leadership and  
3           action to address the national crisis of bullying and  
4           harassment.

5 **SEC. 3. SAFE SCHOOLS IMPROVEMENT.**

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

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

10 **“SEC. 4401. PURPOSE.**

11           “The purpose of this part is to address the problem  
12           of bullying and harassment conduct of students in public  
13           elementary schools and secondary schools.

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

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

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

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

23                           “(A) to limit a student’s ability to partici-  
24                           pate in, or benefit from, a program or activity

1 of a public school or local educational agency;  
2 or

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

9 “(2) The policies required under paragraph (1)  
10 shall include a prohibition of bullying or harassment  
11 conduct based on—

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

15 “(B) the actual or perceived race, color,  
16 national origin, sex, disability, sexual orienta-  
17 tion, gender identity, or religion of a person  
18 with whom a student associates or has associ-  
19 ated; or

20 “(C) any other distinguishing characteris-  
21 tics that may be defined by the State or local  
22 educational agency, including being homeless or  
23 the child or ward of a member of the Armed  
24 Forces.

25 “(3) Provide—

1           “(A) annual notice to students, parents,  
2           and educational professionals describing the full  
3           range of prohibited conduct contained in such  
4           local educational agency’s discipline policies;  
5           and

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

10                   “(i) the name of the local educational  
11                   agency officials who are designated as re-  
12                   sponsible for receiving such complaints;  
13                   and

14                   “(ii) timelines that the local edu-  
15                   cational agency will establish in the resolu-  
16                   tion of such complaints.

17           “(4) Collect annual incidence and frequency of  
18           incidents data about the conduct prohibited by the  
19           policies described in paragraph (1) at the school  
20           building level that are accurate and complete and  
21           publicly report such data at the school level and  
22           local educational agency level. The local educational  
23           agency shall ensure that victims or persons respon-  
24           sible for such conduct are not identifiable.

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

6 **“SEC. 4403. STATE REPORTS.**

7           “The chief executive officer of a State that receives  
8 a grant under this title, in cooperation with the State edu-  
9 cational agency, shall submit a biennial report to the Sec-  
10 retary—

11           “(1) on the information reported by local edu-  
12 cational agencies in the State pursuant to section  
13 4402(b)(4); and

14           “(2) describing the State’s plans for supporting  
15 local educational agency efforts to address the con-  
16 duct prohibited by the policies described in section  
17 4402(b)(1).

18 **“SEC. 4404. EVALUATION.**

19           “(a) BIENNIAL EVALUATION.—The Secretary shall  
20 conduct an independent biennial evaluation of programs  
21 and policies to combat bullying and harassment in elemen-  
22 tary schools and secondary schools, including implementa-  
23 tion of the requirements described in section 4402, includ-  
24 ing whether such requirements have appreciably reduced

1 the level of the prohibited conduct and have conducted ef-  
2 fective parent involvement and training programs.

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

8 “(c) BIENNIAL REPORT.—Not later than January 1,  
9 2017, and every 2 years thereafter, the Secretary shall  
10 submit to the President and Congress a report on the find-  
11 ings of the evaluation conducted under subsection (a) to-  
12 gether with the data collected under subsection (b) and  
13 data submitted by the States under section 4403.

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

15 “(a) FEDERAL AND STATE NONDISCRIMINATION  
16 LAWS.—Nothing in this part shall be construed to invali-  
17 date or limit rights, remedies, procedures, or legal stand-  
18 ards available to victims of discrimination under any other  
19 Federal law or law of a State or political subdivision of  
20 a State, including title VI of the Civil Rights Act of 1964  
21 (42 U.S.C. 2000d et seq.), title IX of the Education  
22 Amendments of 1972 (20 U.S.C. 1681 et seq.), section  
23 504 or 505 of the Rehabilitation Act of 1973 (29 U.S.C.  
24 794, 794a), or the Americans with Disabilities Act of 1990  
25 (42 U.S.C. 12101 et seq.). The obligations imposed by this



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

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

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

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

18 (b) **TABLE OF CONTENTS.**—The table of contents in  
 19 section 2 of the Elementary and Secondary Education Act  
 20 of 1965 is amended by inserting after the item relating  
 21 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.”.