

113TH CONGRESS
2D SESSION

H. R. 3911

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

IN THE HOUSE OF REPRESENTATIVES

JANUARY 16, 2014

Mr. DANNY K. 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”;

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

1 “(G) complaint procedures for students or
2 parents that seek to register complaints regard-
3 ing the prohibited conduct contained in the dis-
4 cipline policies described in subparagraph (A),
5 including—

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

9 “(ii) timelines that the school or dis-
10 trict will follow in the resolution of such
11 complaints;”.

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

14 (1) in subparagraph (A)—

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

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

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

20 “(viii) teach students about the con-
21 sequences of bullying and harassment.”;

22 and

23 (2) in subparagraph (E), by adding at the end
24 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.—

10 “(A) IN GENERAL.—The term ‘bullying’
11 means aggressive behavior that is intended to
12 cause distress or harm, involves an imbalance of
13 power or strength between the aggressor and
14 the victim and that favors the aggressor, and
15 typically occurs repeatedly over time. Bullying
16 may take many forms, including physical,
17 verbal, relational, and cyber. Bullying can be
18 conduct or behavior or that is based on, but not
19 limited to, a student’s actual or perceived iden-
20 tity with regard to race, color, national origin,
21 sex, gender identity, disability, sexual orienta-
22 tion, religion, or other distinguishing character-
23 istics that may be defined by a State or local
24 educational agency that—

1 “(i) is directed at one or more stu-
2 dents;

3 “(ii) substantially interferes with edu-
4 cational opportunities or programs of such
5 students; and

6 “(iii) adversely affects the ability of a
7 student to participate in or benefit from
8 the school’s educational programs or activi-
9 ties by placing a student in reasonable fear
10 of physical or mental harm.

11 “(B) ASSOCIATION.—Such term includes
12 conduct described in clauses (i), (ii), and (iii) of
13 subparagraph (A) that is based on—

14 “(i) a student’s association with an-
15 other individual; and

16 “(ii) a characteristic of the other indi-
17 vidual that is referred to in subparagraph
18 (A).

19 “(C) CYBERBULLYING.—

20 “(i) IN GENERAL.—Such term in-
21 cludes conduct described in subparagraph
22 (A) that is undertaken, in whole or in part,
23 through use of technology or electronic
24 communications (including electronic mail,
25 Internet communications, instant mes-

1 sages, or facsimile communications) to
2 transmit images, text, sounds, or other
3 data.

4 “(ii) **SEXTING**.—Such term includes
5 transmitting a nude picture by a means
6 described in clause (i) if such transmission
7 constitutes conduct described in subpara-
8 graph (A).

9 “(iii) **FALSE IDENTITY**.—Such term
10 includes knowingly impersonating another
11 person as the author of posted content or
12 messages on the Internet in order to trick,
13 tease, harass, or spread rumors about the
14 other person.

15 “(13) **HARASSMENT**.—The term ‘harassment’
16 means conduct, including conduct that is based on
17 a student’s actual or perceived identity with regard
18 to race, color, national origin, gender identity, dis-
19 ability, sexual orientation, religion, or any other dis-
20 tinguishing characteristics that may be defined by a
21 State or local educational agency, that—

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

23 “(B) substantially interferes with edu-
24 cational opportunities or educational programs
25 of such students; and

1 “(C) adversely affects the ability of a stu-
2 dent to participate in or benefit from the
3 school’s educational programs or activities be-
4 cause the conduct as reasonably perceived by
5 the student is so severe, persistent, or perva-
6 sive.

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

9 (h) EFFECT ON OTHER LAWS.—

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

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

14 “(a) FEDERAL AND STATE NONDISCRIMINATION
15 LAWS.—Nothing in this part shall be construed to alter
16 legal standards regarding, or limit rights available to vic-
17 tims of, bullying or harassment under other Federal or
18 State laws, including title VI of the Civil Rights Act of
19 1964 (42 U.S.C. 2000d et seq.), title IX of the Education
20 Amendments of 1972 (20 U.S.C. 1681 et seq.), section
21 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794),
22 or the Americans with Disabilities Act of 1990 (42 U.S.C.
23 12101 et seq.).

24 “(b) FREE SPEECH AND EXPRESSION LAWS.—Noth-
25 ing in this part shall be construed to alter legal standards

1 regarding, or affect the rights available to individuals
2 under, other Federal laws that establish protections for
3 freedom of speech and expression.”.

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

“Sec. 4156. Effect on other laws.”.

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