

116TH CONGRESS  
1ST SESSION

# H. R. 5414

To amend the Elementary and Secondary Education Act of 1965 to require local educational agencies to implement a policy on allergy bullying in schools, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 2019

Mr. CARTWRIGHT (for himself and Mr. KHANNA) introduced the following bill;  
which was referred to the Committee on Education and Labor

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 to require local educational agencies to implement a policy on allergy bullying in schools, and for other purposes.

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 “Alerting Local Leaders  
5 and Ensuring Responsible Guidelines for Youth Act” or  
6 the “ALLERGY Act”.

1 **SEC. 2. REQUIREMENT FOR POLICIES ON ALLERGY-RE-**  
2 **LATED BULLYING.**

3 Part F of title VIII of the Elementary and Secondary  
4 Education Act of 1965 (20 U.S.C. 7901 et seq.) is amend-  
5 ed by adding at the end the following:

6 **“Subpart 6—Policies on Allergy Bullying**

7 **“SEC. 8581. REQUIREMENTS.**

8 “(a) IN GENERAL.—As a condition of receiving funds  
9 under this Act, a local educational agency shall establish  
10 and implement a policy on allergy bullying in the schools  
11 served by the local educational agency, which, at a min-  
12 imum, requires that each such school—

13 “(1) educate students, school personnel, and  
14 parents about allergy bullying, and that such bul-  
15 lying is against the rules of the school;

16 “(2) clearly define what the punishment or re-  
17 sponse may be for a violation of the rule against al-  
18 lergy bullying, which may include a therapeutic re-  
19 sponse, where appropriate;

20 “(3) have in effect policies and procedures that  
21 encourage each victim of allergy bullying to report  
22 such bullying to school personnel; and

23 “(4) in carrying out the requirements of para-  
24 graphs (1) through (3), is in compliance with the re-  
25 quirements of the Individuals with Disabilities Edu-  
26 cation Act (20 U.S.C. 1400 et seq.) and the Ameri-

1       cans with Disabilities Act of 1990 (42 U.S.C. 12101  
2       et seq.).

3       “(b) CERTIFICATION.—As a condition of receiving  
4 funds under this Act, a local educational agency shall cer-  
5 tify in writing not later than October 1 of each year to  
6 the State educational agency involved that the local edu-  
7 cational agency has established and implemented the pol-  
8 icy described in subsection (a). The State educational  
9 agency shall report to the Secretary not later than Novem-  
10 ber 1 of each year a list of those local educational agencies  
11 that have not filed a certification or against which com-  
12 plaints have been made to the State educational agency  
13 that the local educational agency is not in compliance with  
14 this section.

15       “(c) DEFINITION.—In this section, the term ‘allergy  
16 bullying’ means unwanted, aggressive behavior by a stu-  
17 dent toward another student with an allergy and in-  
18 cludes—

19               “(1) a real or perceived imbalance of power due  
20       to such other student’s allergy, such as physical  
21       strength, access to embarrassing information, or  
22       popularity, to control or harm such other student;  
23       and

1           “(2) actions such as making threats, spreading  
2           rumors, physical or verbal attacks, and excluding  
3           such other student from a group on purpose.”.

4 **SEC. 3. TABLE OF CONTENTS.**

5           The table of contents for the Elementary and Sec-  
6           ondary Education Act of 1965 (20 U.S.C. 6301 et seq.)  
7           is amended by inserting after the item relating to section  
8           8574, the following:

                          “SUBPART 6—POLICIES ON ALLERGY BULLYING

“Sec. 8581. Requirements.”.

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