

116TH CONGRESS  
2D SESSION

# H. R. 5722

To require reporting of bullying to appropriate authorities and assist with equal protection claims against entities who fail to respond appropriately to bullying, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 2020

Mr. CARTWRIGHT (for himself, Ms. NORTON, Ms. LEE of California, and Mr. TAKANO) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To require reporting of bullying to appropriate authorities and assist with equal protection claims against entities who fail to respond appropriately to bullying, 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 “Bullying Redress And  
5 Verified Enforcement Act” or the “BRAVE Act”.

1 **SEC. 2. REPORTING REQUIREMENTS.**

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

5 **“Subpart 6—Bullying**

6 **“SEC. 8581. OFFICIAL REPORTING REQUIREMENTS.**

7 “(a) REPORT OF BULLYING.—

8 “(1) IN GENERAL.—Subject to paragraph (2), a  
9 local educational agency shall require an employee of  
10 the local educational agency who becomes aware of  
11 bullying to report to the individual designated under  
12 subsection (b) by not later than 7 business days  
13 after becoming aware of such bullying a description  
14 of—

15 “(A) the acts that constituted bullying;

16 “(B) if the bullying included a reference to  
17 or was motivated by an actual or perceived pro-  
18 tected characteristic of the victim, such pro-  
19 tected characteristic; and

20 “(C) the response to such bullying by em-  
21 ployees of the local educational agency.

22 “(2) EXCEPTION.—Notwithstanding paragraph  
23 (1), in the case of an employee of a local educational  
24 agency who is informed of bullying by a student at-  
25 tending a school served by the local educational  
26 agency, but the student requests that such bullying

1 not be reported by the employee, the employee shall  
2 not be required to report such bullying under para-  
3 graph (1).

4 “(b) RECEIPT OF REPORTS.—A local educational  
5 agency shall designate an individual to receive and keep  
6 a record of reports of bullying and shall inform each em-  
7 ployee of the local educational agency of the contact infor-  
8 mation of the individual so designated.

9 “(c) REPORTING TO THE LOCAL EDUCATIONAL  
10 AGENCY.—Not later than 60 days after the date of the  
11 receipt of a report under subsection (a)(1), the individual  
12 designated under subsection (b) shall inform all employees  
13 of the local educational agency of the acts described and  
14 the response by employees of the local educational agency  
15 and shall exclude any personally identifiable information  
16 of any student involved.

17 “(d) PUBLICLY AVAILABLE QUARTERLY REPORTS.—

18 “(1) IN GENERAL.—Subject to paragraph (1), a  
19 local educational agency shall publish and make  
20 available to all students served by the local edu-  
21 cational agency and parents of such students a re-  
22 port on a quarterly basis that—

23 “(A) lists the number of bullying reports  
24 made since the previous quarterly report; and

1                   “(B) informs the public of the right to file  
2                   a complaint under section 8582(b)(2).

3                   “(2) EXCEPTION.—A local educational agency  
4                   shall not publish a report under paragraph (1) in a  
5                   case in which such publication would reveal person-  
6                   ally identifiable information about an individual stu-  
7                   dent.

8                   “(e) ANNUAL POLICY REVIEW.—Each local edu-  
9                   cational agency shall review, on an annual basis, the poli-  
10                  cies on bullying for schools served by the local educational  
11                  agency.

12                  **“SEC. 8582. FEDERAL ENFORCEMENT.**

13                  “(a) CONDITION OF FEDERAL FUNDING.—As a con-  
14                  dition of receiving funds under this Act, a local edu-  
15                  cational agency shall—

16                         “(1) annually certify to the Secretary in writing  
17                         that such local educational agency has complied with  
18                         this section; and

19                         “(2) together with such certification, submit the  
20                         4 most recent quarterly reports published preceding  
21                         such certification pursuant to section 8581(d).

22                  “(b) FEDERAL RECEIPT OF COMPLAINTS.—The As-  
23                  sistant Secretary who serves as the head of the Office of  
24                  Civil Rights for the Department of Education shall—

1           “(1) establish a procedure for a student of a  
2 local educational agency, a parent of such student,  
3 or another appropriate individual to submit to the  
4 Assistant Secretary a complaint relating to a failure  
5 to comply with this section; and

6           “(2) publish such procedure on the internet  
7 website of the Department of Education.

8           “(c) FEDERAL RESPONSE TO COMPLAINTS.—After  
9 receiving a complaint pursuant to subsection (b), the As-  
10 sistant Secretary shall—

11           “(1) investigate such complaint to determine if  
12 a local educational agency failed to comply with this  
13 section; and

14           “(2) if such local educational agency is deter-  
15 mined under paragraph (1) to have failed to comply  
16 with this section—

17           “(A) withhold further payment of funds  
18 under this Act to such local educational agency;

19           “(B) issue a complaint to compel compli-  
20 ance of such local educational agency through a  
21 cease and desist order; or

22           “(C) enter into a compliance agreement  
23 with such local educational agency to bring it  
24 into compliance with this section,

1 in the same manner as the Secretary is authorized  
2 to take such actions under sections 455, 456, and  
3 457, respectively, of the General Education Provi-  
4 sions Act.

5 “(d) PUBLIC AVAILABILITY OF INFORMATION ABOUT  
6 COMPLAINTS.—Not later than 60 days after receiving a  
7 complaint pursuant to subsection (b)(2), the Assistant  
8 Secretary shall make available on the internet website of  
9 the Department information about such complaint, which  
10 shall—

11 “(1) if the bullying included a reference to or  
12 was motivated by an actual or perceived protected  
13 characteristic of the victim, include a description of  
14 such protected characteristic; and

15 “(2) exclude any personally identifiable infor-  
16 mation of any student involved.

17 **“SEC. 8583. DEFINITIONS.**

18 “In this subpart:

19 “(1) BULLYING.—The term ‘bullying’ means  
20 any severe, pervasive, or persistent electronic, writ-  
21 ten, verbal, or physical act by one student or a  
22 group of students toward another student during  
23 school hours and on school premises, or at a school-  
24 sponsored activity outside of school hours, that  
25 causes—

1                   “(A) harm to or reasonable concern for the  
2                   person, property, or mental health of such other  
3                   student; or

4                   “(B) such other student to withdraw from  
5                   or avoid benefitting from the services, activities,  
6                   or opportunities offered by the school.

7                   “(2) PROTECTED CHARACTERISTIC.—The term  
8                   ‘protected characteristic’ includes race, color, sex, re-  
9                   ligion, national origin, disability, gender, gender  
10                  identity, and sexual orientation.”.

11 **SEC. 3. TABLE OF CONTENTS.**

12                  The table of contents for the Elementary and Sec-  
13                  ondary Education Act of 1965 (20 U.S.C. 6301 et seq.)  
14                  is amended by inserting after the item relating to section  
15                  8574, the following:

“SUBPART 6—BULLYING

“Sec. 8581. Official reporting requirements.

“Sec. 8582. Federal enforcement.

“Sec. 8583. Definitions.”.

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