

115TH CONGRESS  
2D SESSION

# H. R. 6279

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

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IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2018

Mr. DANNY K. DAVIS of Illinois introduced the following bill; which was referred to the Committee on Education and the Workforce

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## 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. SHORT TITLE.**

4 This Act may be cited as the “Anti-Bullying and  
5 Harassment Act of 2018”.

6 **SEC. 2. BULLYING AND HARASSMENT PREVENTION POLI-**  
7 **CIES, PROGRAMS, AND STATISTICS.**

8 (a) STATE REPORTING REQUIREMENTS.—Section  
9 4112(c)(3)(B)(iv) of the Safe and Drug-Free Schools and  
10 Communities Act (20 U.S.C. 7112(c)(3)(B)(iv)) is amend-

1 ed by inserting “, including bullying and harassment,”  
2 after “violence”.

3 (b) STATE APPLICATION.—Section 4113(a) of such  
4 Act (20 U.S.C. 7113(a)) is amended—

5 (1) in paragraph (9)—

6 (A) in subparagraph (C), by striking  
7 “and” at the end; and

8 (B) by adding at the end the following:

9 “(E) the incidence and prevalence of re-  
10 ported incidents of bullying and harassment;  
11 and

12 “(F) the perception of students regarding  
13 their school environment, including with respect  
14 to the prevalence and seriousness of incidents of  
15 bullying and harassment and the responsiveness  
16 of the school to those incidents;”;

17 (2) in paragraph (18), by striking “and” at the  
18 end;

19 (3) in paragraph (19), by striking the period at  
20 the end and inserting “; and”; and

21 (4) by adding at the end the following:

22 “(20) provides an assurance that the State edu-  
23 cational agency will provide assistance to districts  
24 and schools in their efforts to prevent and appro-  
25 priately respond to incidents of bullying and harass-

1 ment and describes how the agency will meet this re-  
2 quirement.”.

3 (c) LOCAL EDUCATIONAL AGENCY PROGRAM APPLI-  
4 CATION.—Section 4114(d) of such Act (20 U.S.C.  
5 7114(d)) is amended—

6 (1) in paragraph (2)(B)(i)—

7 (A) in the matter preceding subclause (I),  
8 by striking the semicolon and inserting a  
9 comma;

10 (B) in subclause (I), by striking “and” at  
11 the end; and

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

13 “(III) performance indicators for  
14 bullying and harassment prevention  
15 programs and activities; and”;

16 (2) in paragraph (7)—

17 (A) in subparagraph (A), by inserting “,  
18 including bullying and harassment” after “dis-  
19 orderly conduct”;

20 (B) in subparagraph (D), by striking  
21 “and” at the end; and

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

23 “(F) annual notice to parents and students  
24 describing the full range of prohibited conduct

1 contained in the discipline policies described in  
2 subparagraph (A); and

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

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

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

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

16 (1) in subparagraph (A)—

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

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

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

22 “(viii) teach students about the con-  
23 sequences of bullying and harassment.”;  
24 and

1           (2) in subparagraph (E), by adding at the end  
2           the following:

3                       “(xxiii) Programs that address the  
4                       causes of bullying and harassment and  
5                       that train teachers, administrators, and  
6                       counselors regarding strategies to prevent  
7                       bullying and harassment and to effectively  
8                       intervene when such incidents occur.”.

9           (e) REPORTING.—Section 4116(a)(2)(B) of such Act  
10          (20 U.S.C. 7116(a)(2)(B)) is amended by inserting “, in-  
11          cluding bullying and harassment,” after “drug use and vi-  
12          olence”.

13          (f) IMPACT EVALUATION.—Section 4122 of such Act  
14          (20 U.S.C. 7132) is amended—

15                       (1) in subsection (a)(2), by striking “and school  
16                       violence” and inserting “school violence, including  
17                       bullying and harassment,”; and

18                       (2) in the first sentence of subsection (b), by in-  
19                       serting “, including bullying and harassment,” after  
20                       “drug use and violence”.

21          (g) DEFINITIONS.—

22                       (1) DRUG AND VIOLENCE PREVENTION.—Para-  
23                       graph (3)(B) of section 4151 of such Act (20 U.S.C.  
24                       7151) is amended by inserting “, bullying, and other  
25                       harassment” after “sexual harassment and abuse”.

1           (2) PROTECTIVE FACTOR, BUFFER, OR  
2 ASSET.—Paragraph (6) of such section is amended  
3 by inserting “, including bullying and harassment”  
4 after “violent behavior”.

5           (3) RISK FACTOR.—Paragraph (7) of such sec-  
6 tion is amended by inserting “, including bullying  
7 and harassment” after “violent behavior”.

8           (4) BULLYING, HARASSMENT, AND VIO-  
9 LENCE.—Such section is further amended by adding  
10 at the end the following:

11           “(12) BULLYING.—

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

1           istics that may be defined by a State or local  
2           educational agency that—

3                   “(i) is directed at one or more stu-  
4                   dents;

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

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

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

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

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

21                  “(C) CYBERBULLYING.—

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

1           communications (including electronic mail,  
2           Internet communications, instant mes-  
3           sages, or facsimile communications) to  
4           transmit images, text, sounds, or other  
5           data.

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

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

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

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



1           “(B) substantially interferes with edu-  
2           cational opportunities or educational programs  
3           of such students; and

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

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

12          (h) EFFECT ON OTHER LAWS.—

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

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

17           “(a) FEDERAL AND STATE NONDISCRIMINATION  
18          LAWS.—Nothing in this part shall be construed to alter  
19          legal standards regarding, or limit rights available to vic-  
20          tims of, bullying or harassment under other Federal or  
21          State laws, including title VI of the Civil Rights Act of  
22          1964 (42 U.S.C. 2000d et seq.), title IX of the Education  
23          Amendments of 1972 (20 U.S.C. 1681 et seq.), section  
24          504 of the Rehabilitation Act of 1973 (29 U.S.C. 794),

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

3 “(b) FREE SPEECH AND EXPRESSION LAWS.—Noth-  
4 ing in this part shall be construed to alter legal standards  
5 regarding, or affect the rights available to individuals  
6 under, other Federal laws that establish protections for  
7 freedom of speech and expression.”.

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

“Sec. 4156. Effect on other laws.”.

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