

113TH CONGRESS  
1ST SESSION

# S. 403

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 SENATE OF THE UNITED STATES

FEBRUARY 28, 2013

Mr. CASEY (for himself and Mr. KIRK) introduced the following bill; which  
was read twice and referred to the Committee on Health, Education,  
Labor, and Pensions

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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 2013”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Bullying and harassment foster a climate of  
9 fear and disrespect that can seriously impair the

1 physical and psychological health of its victims and  
2 create conditions that negatively affect learning,  
3 thereby undermining the ability of students to  
4 achieve their full potential.

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

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

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

23 (5) Students have been particularly singled out  
24 for bullying and harassment on the basis of their ac-  
25 tual or perceived race, color, national origin, sex,

1 disability status, sexual orientation, gender identity,  
2 or religion, among other categories.

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

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

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

22 (9) Students, parents, educators, and policy-  
23 makers have come together to call for leadership and  
24 action to address the national crisis of bullying and  
25 harassment.

1 **SEC. 3. SAFE SCHOOLS IMPROVEMENT.**

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

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

6 **“SEC. 4401. PURPOSE.**

7 “The purpose of this part is to address the problem  
8 of bullying and harassment conduct of students in public  
9 elementary schools and secondary schools.

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

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

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

16 “(1) Establish policies that prevent and prohibit  
17 conduct, including bullying and harassment, that is  
18 sufficiently severe, persistent, or pervasive—

19 “(A) to limit a student’s ability to partici-  
20 pate in, or benefit from, a program or activity  
21 of a public school or local educational agency;  
22 or

23 “(B) to create a hostile or abusive edu-  
24 cational environment, adversely affecting a stu-  
25 dent’s education, at a program or activity of a  
26 public school or local educational agency, in-

1 including acts of verbal, nonverbal, or physical  
2 aggression or intimidation.

3 “(2) The policies required under paragraph (1)  
4 shall include a prohibition of bullying or harassment  
5 conduct based on—

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

9 “(B) the actual or perceived race, color,  
10 national origin, sex, disability, sexual orienta-  
11 tion, gender identity, or religion of a person  
12 with whom a student associates or has associ-  
13 ated; or

14 “(C) any other distinguishing characteris-  
15 tics that may be defined by the State or local  
16 educational agency.

17 “(3) Provide—

18 “(A) annual notice to students, parents,  
19 and educational professionals describing the full  
20 range of prohibited conduct contained in such  
21 local educational agency’s discipline policies;  
22 and

23 “(B) grievance procedures for students or  
24 parents to register complaints regarding the

1 prohibited conduct contained in such local edu-  
2 cational agency's discipline policies, including—

3 “(i) the name of the local educational  
4 agency officials who are designated as re-  
5 sponsible for receiving such complaints;  
6 and

7 “(ii) timelines that the local edu-  
8 cational agency will establish in the resolu-  
9 tion of such complaints.

10 “(4) Collect annual incidence and frequency of  
11 incidents data about the conduct prohibited by the  
12 policies described in paragraph (1) at the school  
13 level that are accurate and complete and publicly re-  
14 port such data at the school level and local edu-  
15 cational agency level. The local educational agency  
16 shall ensure that victims or persons responsible for  
17 such conduct are not identifiable.

18 **“SEC. 4403. STATE REPORTS.**

19 “The chief executive officer of a State that receives  
20 a grant under this title, in cooperation with the State edu-  
21 cational agency, shall submit a biennial report to the Sec-  
22 retary—

23 “(1) on the information reported by local edu-  
24 cational agencies in the State pursuant to section  
25 4402(b)(5); and

1           “(2) describing the State’s plans for supporting  
2           local educational agency efforts to address the con-  
3           duct prohibited by the policies described in section  
4           4402(b)(1).

5   **“SEC. 4404. EVALUATION.**

6           “(a) BIENNIAL EVALUATION.—The Secretary shall  
7           conduct an independent biennial evaluation of programs  
8           and policies to combat bullying and harassment in elemen-  
9           tary schools and secondary schools, including implementa-  
10          tion of the requirements described in section 4402, includ-  
11          ing whether such requirements have appreciably reduced  
12          the level of the prohibited conduct and have conducted ef-  
13          fective parent involvement and training programs.

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

19          “(c) BIENNIAL REPORT.—Not later than January 1,  
20          2015, and every 2 years thereafter, the Secretary shall  
21          submit to the President and Congress a report on the find-  
22          ings of the evaluation conducted under subsection (a) to-  
23          gether with the data collected under subsection (b) and  
24          data submitted by the States under section 4403.

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

2       “(a) FEDERAL AND STATE NONDISCRIMINATION  
3 LAWS.—Nothing in this part shall be construed to invali-  
4 date or limit rights, remedies, procedures, or legal stand-  
5 ards available to victims of discrimination under any other  
6 Federal law or law of a State or political subdivision of  
7 a State, including title VI of the Civil Rights Act of 1964  
8 (42 U.S.C. 2000d et seq.), title IX of the Education  
9 Amendments of 1972 (20 U.S.C. 1681 et seq.), section  
10 504 or 505 of the Rehabilitation Act of 1973 (29 U.S.C.  
11 794, 794a), or the Americans with Disabilities Act of 1990  
12 (42 U.S.C. 12101 et seq.). The obligations imposed by this  
13 part are in addition to those imposed by title VI of the  
14 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title  
15 IX of the Education Amendments of 1972 (20 U.S.C.  
16 1681 et seq.), section 504 of the Rehabilitation Act of  
17 1973 (29 U.S.C. 794), and the Americans with Disabil-  
18 ities Act of 1990 (42 U.S.C. 12101 et seq.).

19       “(b) FREE SPEECH AND EXPRESSION LAWS.—Noth-  
20 ing in this part shall be construed to alter legal standards  
21 regarding, or affect the rights (including remedies and  
22 procedures) available to individuals under, other Federal  
23 laws that establish protections for freedom of speech or  
24 expression.



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

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

6 (b) TABLE OF CONTENTS.—The table of contents in  
 7 section 2 of the Elementary and Secondary Education Act  
 8 of 1965 is amended by inserting after the item relating  
 9 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.”.

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