

112TH CONGRESS
1ST SESSION

H. R. 975

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2011

Mr. 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. SHORT TITLE.**

4 This Act may be cited as the “Anti-Bullying and
5 Harassment Act of 2011”.

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”; 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 conduct, including conduct that is based
14 on a student’s actual or perceived identity with
15 regard to race, color, national origin, gender
16 identity, disability, sexual orientation, religion,
17 or any other distinguishing characteristics that
18 may be defined by a State or local educational
19 agency that—

20 “(i) is directed at one or more stu-
21 dents;

22 “(ii) substantially interferes with edu-
23 cational opportunities or educational pro-
24 grams of such students; and

1 “(iii) adversely affects the ability of a
2 student to participate in or benefit from
3 the school’s educational programs or activi-
4 ties by placing a student in reasonable fear
5 of physical harm.

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

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

11 “(ii) a characteristic of the other indi-
12 vidual that is referred to in subparagraph
13 (A).

14 “(C) CYBERBULLYING.—

15 “(i) IN GENERAL.—Such term in-
16 cludes conduct described in subparagraph
17 (A) that is undertaken, in whole or in part,
18 through use of technology or electronic
19 communications (including electronic mail,
20 internet communications, instant messages,
21 or facsimile communications) to transmit
22 images, text, sounds, or other data.

23 “(ii) SEXTING.—Such term includes
24 transmitting a nude picture by a means
25 described in clause (i) if such transmission

1 constitutes conduct described in subpara-
2 graph (A).

3 “(iii) FALSE IDENTITY.—Such term
4 includes knowingly impersonating another
5 person as the author of posted content or
6 messages on the Internet in order to trick,
7 tease, harass, or spread rumors about the
8 other person.

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

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

17 “(B) substantially interferes with edu-
18 cational opportunities or educational programs
19 of such students; and

20 “(C) adversely affects the ability of a stu-
21 dent to participate in or benefit from the
22 school’s educational programs or activities be-
23 cause the conduct as reasonably perceived by
24 the student is so severe, persistent, or perva-
25 sive.

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

3 (h) EFFECT ON OTHER LAWS.—

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

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

8 “(a) FEDERAL AND STATE NONDISCRIMINATION
9 LAWS.—Nothing in this part shall be construed to alter
10 legal standards regarding, or limit rights available to vic-
11 tims of, bullying or harassment under other Federal or
12 State laws, including title VI of the Civil Rights Act of
13 1964 (42 U.S.C. 2000d et seq.), title IX of the Education
14 Amendments of 1972 (20 U.S.C. 1681 et seq.), section
15 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794),
16 or the Americans with Disabilities Act of 1990 (42 U.S.C.
17 12101 et seq.).

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

23 (2) CLERICAL AMENDMENT.—The table of con-
24 tents of the Elementary and Secondary Education
25 Act of 1965 (20 U.S.C. 6301 et seq.) is amended by

- 1 adding after the item relating to section 4155 the
- 2 following:

“Sec. 4156. Effect on other laws.”.

