

113TH CONGRESS
1ST SESSION

H. R. 3660

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

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 5, 2013

Mr. CARTWRIGHT (for himself, Mrs. NAPOLITANO, Mr. RUIZ, Ms. KAPTUR, and Mr. ANDREWS) introduced the following bill; which was referred to the Committee on Education and the Workforce

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.

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 Subpart 2 of part E of title IX of the Elementary
4 and Secondary Education Act of 1965 (20 U.S.C. 7901
5 et seq.) is amended—

6 (1) by redesignating sections 9533 through
7 9536, as section 9534 through 9537, respectively;
8 and

9 (2) by inserting after section 9532, the fol-
10 lowing new section:

11 **“SEC. 9533. REQUIREMENTS FOR POLICIES ON ALLERGY**
12 **BULLYING.**

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

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

21 “(2) clearly define what the punishment or re-
22 sponse may be for a violation of the rule against al-
23 lergy bullying, which may include a therapeutic re-
24 sponse, where appropriate;

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

4 “(4) in carrying out the requirements of para-
5 graphs (1) through (3), is in compliance with the re-
6 quirements of the Individuals with Disabilities Edu-
7 cation Act (20 U.S.C. 1400 et seq.) and the Ameri-
8 cans with Disabilities Act of 1990 (42 U.S.C. 12101
9 et seq.).

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

22 “(c) DEFINITION.—The term ‘allergy bullying’ means
23 unwanted, aggressive behavior by a student toward an-
24 other student with an allergy and includes—

1 “(1) a real or perceived imbalance of power due
 2 to such other student’s allergy, such as physical
 3 strength, access to embarrassing information, or
 4 popularity, to control or harm such other student;
 5 and

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

9 **SEC. 3. TABLE OF CONTENTS.**

10 The table of contents for the Elementary and Sec-
 11 ondary Education Act of 1965 (20 U.S.C. 6301 et seq.)
 12 is amended—

13 (1) by striking the item relating to section 9533
 14 and inserting the following:

“Sec. 9533. Requirements for policies on allergy bullying.”;

15 (2) by striking the item relating to section 9534
 16 and inserting the following:

“Sec. 9534. Prohibition on discrimination.”;

17 (3) by striking the item relating to section 9535
 18 and inserting the following:

“Sec. 9535. Civil Rights.”;

19 (4) by striking the item relating to section 9536
 20 and inserting the following:

“Sec. 9536. Rulemaking”;

21 and

1 (5) by inserting after the item relating to sec-
2 tion 9536, the following:

“Sec. 9537. Severability.”

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