

113TH CONGRESS  
2D SESSION

# H. R. 4756

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

MAY 29, 2014

Mr. CARTWRIGHT (for himself and Mr. MICHAUD) introduced the following bill; which was referred to the Committee on Education and the Workforce

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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 Title IX of the Elementary and Secondary Education  
3 Act of 1965 (20 U.S.C. 7801 et seq.) is amended by in-  
4 serting after section 9534 the following:

5 **“SEC. 9534A. BULLYING.**

6 “(a) OFFICIAL REPORTING REQUIREMENTS.—

7 “(1) REPORT OF BULLYING.—

8 “(A) IN GENERAL.—Subject to subpara-  
9 graph (B), a local educational agency shall re-  
10 quire an employee of the local educational agen-  
11 cy who becomes aware of bullying to report to  
12 the individual designated under paragraph (2)  
13 by not later than 7 business days after becom-  
14 ing aware of such bullying a description of—

15 “(i) the acts that constituted bullying;

16 “(ii) if the bullying included a ref-  
17 erence to or was motivated by an actual or  
18 perceived protected characteristic of the  
19 victim, such protected characteristic; and

20 “(iii) the response to such bullying by  
21 employees of the local educational agency.

22 “(B) EXCEPTION.—Notwithstanding sub-  
23 paragraph (A), in the case of an employee of a  
24 local educational agency who is informed of bul-  
25 lying by a student attending a school served by  
26 the local educational agency, but the student re-

1           quests that such bullying not be reported by the  
2           employee, the employee shall not be required to  
3           report such bullying under subparagraph (A).

4           “(2) RECEIPT OF REPORTS.—A local edu-  
5           cational agency shall designate an individual to re-  
6           ceive reports of bullying and shall inform each em-  
7           ployee of the local educational agency of the contact  
8           information of the individual so designated.

9           “(3) REPORTING TO THE LOCAL EDUCATIONAL  
10          AGENCY.—Not later than 60 days after the date of  
11          the receipt of a report under paragraph (1), the in-  
12          dividual designated under paragraph (2) shall in-  
13          form all employees of the local educational agency of  
14          the acts described and the response by employees of  
15          the local educational agency and shall exclude any  
16          personally identifiable information of any student in-  
17          volved.

18          “(4) PUBLICLY AVAILABLE QUARTERLY RE-  
19          PORTS.—

20                 “(A) IN GENERAL.—Subject to subpara-  
21                 graph (B), a local educational agency shall pub-  
22                 lish and make available to all students served  
23                 by the local educational agency and parents of  
24                 such students a report on a quarterly basis  
25                 that—

1 “(i) summarizes the bullying reported  
2 since the previous quarterly report;

3 “(ii) summarizes the responses by em-  
4 ployees of the local educational agency to  
5 such bullying;

6 “(iii) excludes any personally identifi-  
7 able information of any student involved;  
8 and

9 “(iv) informs the public of the right to  
10 file a complaint under subsection (b)(2).

11 “(B) EXCEPTION.—A local educational  
12 agency shall not publish a report under sub-  
13 paragraph (A) in a case in which such publica-  
14 tion would reveal personally identifiable infor-  
15 mation about an individual student.

16 “(5) ANNUAL POLICY REVIEW.—Each local  
17 educational agency shall review, on an annual basis,  
18 the policies on bullying for schools served by the  
19 local educational agency.

20 “(b) FEDERAL ENFORCEMENT.—

21 “(1) CONDITION OF FEDERAL FUNDING.—As a  
22 condition of receiving funds under this Act, a local  
23 educational agency shall—

1           “(A) annually certify to the Secretary in  
2 writing that such local educational agency has  
3 complied with this section; and

4           “(B) together with such certification, sub-  
5 mit the 4 most recent quarterly reports pub-  
6 lished preceding such certification pursuant to  
7 subsection (a)(4).

8           “(2) FEDERAL RECEIPT OF COMPLAINTS.—The  
9 Assistant Secretary who serves as the head of the  
10 Office of Civil Rights for the Department of Edu-  
11 cation shall—

12           “(A) establish a procedure for a student of  
13 a local educational agency, a parent of such  
14 student, or another appropriate individual to  
15 submit to the Assistant Secretary a complaint  
16 relating to a failure to comply with this section;  
17 and

18           “(B) publish such procedure on the Inter-  
19 net website of the Department of Education.

20           “(3) FEDERAL RESPONSE TO COMPLAINTS.—  
21 After receiving a complaint pursuant to paragraph  
22 (2), the Assistant Secretary shall—

23           “(A) investigate such complaint to deter-  
24 mine if a local educational agency failed to com-  
25 ply with this section; and

1           “(B) if such local educational agency is de-  
2           termined under subparagraph (A) to have failed  
3           to comply with this section—

4                   “(i) withhold further payment of  
5                   funds under this Act to such local edu-  
6                   cational agency;

7                   “(ii) issue a complaint to compel com-  
8                   pliance of such local educational agency  
9                   through a cease and desist order; or

10                   “(iii) enter into a compliance agree-  
11                   ment with such local educational agency to  
12                   bring it into compliance with this section,  
13                   in same manner as the Secretary is authorized  
14                   to take such actions under sections 455, 456,  
15                   and 457, respectively, of the General Education  
16                   Provisions Act.

17           “(4) PUBLIC AVAILABILITY OF INFORMATION  
18           ABOUT COMPLAINTS.—Not later than 60 days after  
19           receiving a complaint pursuant to subsection (b)(2),  
20           the Assistant Secretary shall make available on the  
21           Internet website of the Department of Education in-  
22           formation about such complaint, which shall—

23                   “(A) if the bullying included a reference to  
24                   or was motivated by an actual or perceived pro-

1           tected characteristic of the victim, include a de-  
2           scription of such protected characteristic; and

3                   “(B) exclude any personally identifiable in-  
4           formation of any student involved.

5           “(c) DEFINITIONS.—In this section:

6                   “(1) BULLYING.—The term ‘bullying’ means  
7           any severe, pervasive, or persistent electronic, writ-  
8           ten, verbal, or physical act by one student or a  
9           group of students toward another student during  
10          school hours and on school premises, or at a school-  
11          sponsored activity outside of school hours, that  
12          causes—

13                   “(A) harm to or reasonable concern for the  
14          person, property, or mental health of such other  
15          student; or

16                   “(B) such other student to withdraw from  
17          or avoid benefitting from the services, activities,  
18          or opportunities offered by the school.

19                   “(2) PROTECTED CHARACTERISTIC.—The term  
20          ‘protected characteristic’ includes race, color, sex, re-  
21          ligion, national origin, disability, gender, gender  
22          identity, and sexual orientation.”.

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