

111TH CONGRESS  
2D SESSION

# H. R. 5184

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

APRIL 29, 2010

Mr. DAVIS of Illinois (for himself, Mr. CUELLAR, Mr. MCGOVERN, Mr. NEAL of Massachusetts, Ms. BORDALLO, and Mr. OLVER) introduced the following bill; which was referred to the Committee on Education and Labor

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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. BULLYING AND HARASSMENT PREVENTION**  
4 **POLICIES, PROGRAMS, AND STATISTICS.**

5 (a) STATE REPORTING REQUIREMENTS.—Section  
6 4112(c)(3)(B)(iv) of the Safe and Drug-Free Schools and  
7 Communities Act (20 U.S.C. 7112(c)(3)(B)(iv)) is amend-  
8 ed by inserting “, including bullying and harassment,”  
9 after “violence”.

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

3 (1) in paragraph (9)—

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

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

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

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

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

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

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

20 “(20) provides an assurance that the State edu-  
21 cational agency will provide assistance to districts  
22 and schools in their efforts to prevent and appro-  
23 priately respond to incidents of bullying and harass-  
24 ment and describes how the agency will meet this re-  
25 quirement.”.

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

4           (1) in paragraph (2)(B)(i)—

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

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

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

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

14           (2) in paragraph (7)—

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

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

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

21                         “(F) annual notice to parents and students  
22                         describing the full range of prohibited conduct  
23                         contained in the discipline policies described in  
24                         subparagraph (A); and

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

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

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

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

14           (1) in subparagraph (A)—

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

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

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

20                           “(viii) teach students about the con-  
21 sequences of bullying and harassment.”;

22                   and

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

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

7           (e) REPORTING.—Section 4116(a)(2)(B) of such Act  
8           (20 U.S.C. 7116(a)(2)(B)) is amended by inserting “, in-  
9           cluding bullying and harassment,” after “drug use and vi-  
10          olence”.

11          (f) IMPACT EVALUATION.—Section 4122 of such Act  
12          (20 U.S.C. 7132) is amended—

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

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

19          (g) DEFINITIONS.—

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

24               (2) PROTECTIVE FACTOR, BUFFER, OR  
25               ASSET.—Paragraph (6) of such section is amended

1 by inserting “, including bullying and harassment”  
2 after “violent behavior”.

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

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

9 “(12) BULLYING.—

10 “(A) IN GENERAL.—The term ‘bullying’  
11 means conduct, including conduct that is based  
12 on a student’s actual or perceived identity with  
13 regard to race, color, national origin, gender  
14 identity, disability, sexual orientation, religion,  
15 or any other distinguishing characteristics that  
16 may be defined by a State or local educational  
17 agency that—

18 “(i) is directed at one or more stu-  
19 dents;

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

23 “(iii) adversely affects the ability of a  
24 student to participate in or benefit from  
25 the school’s educational programs or activi-

1 ties by placing a student in reasonable fear  
2 of physical harm.

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

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

8 “(ii) a characteristic of the other indi-  
9 vidual that is referred to in subparagraph  
10 (A).

11 “(C) CYBERBULLYING.—

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

20 “(ii) SEXTING.—Such term includes  
21 transmitting a nude picture by a means  
22 described in clause (i) if such transmission  
23 constitutes conduct described in subpara-  
24 graph (A).

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

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

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

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

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

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



1 (h) EFFECT ON OTHER LAWS.—

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

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

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

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

21 (2) CLERICAL AMENDMENT.—The table of con-  
22 tents of the Elementary and Secondary Education  
23 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”.

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