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DEMOCRATIC STEERING AND  
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I commend the United States Commission on Civil Rights for addressing the issue of Peer-to-Peer Violence and Bullying. Bullying and harassment are harmful behaviors that directly interfere with student learning and achievement. These behaviors threaten the safety and well-being of millions of students each year.

The U.S. Department of Education estimates that bullying and harassment affects nearly one in every three American school children in grades six through ten. In addition, a majority of parents, students, and educators report that bullying and harassment are issues of major concern. Bullying can result in long-term social, academic, psychological, and physical consequences, including decreased interest in school, increased absences, and decreased concentration levels for students

A growing body of research supports what quality educators know: that preventing and responding to incidents of bullying and harassment helps to address many of the educational issues our nation is concerned with—including promoting school safety and improved student achievement. That is why I have introduced legislation that will help schools and school districts develop and improve anti-bullying and anti-harassment initiatives.


The Safe Schools Improvement Act would strengthen the Elementary and Secondary Education Act to ensure that schools and districts develop and use comprehensive and effective student conduct policies that include clear prohibitions regarding bullying and harassment. It would also ensure that schools and districts focus on effective prevention strategies and professional development.

This bill is designed to help school personnel meaningfully address bullying and harassment and would ensure that States and districts maintain and report data regarding incidents of bullying and harassment in order to inform the development of effective federal, state, and local policies that address these issues.

Though several states have anti-bullying policies in place, there is an absence of a uniform set of standards that can guide school officials on how to best address bullying and harassment.

The guidance provided by the Safe Schools Improvement act can have a positive impact on schools in states that lack anti-bullying policies. The widespread nature of this problem justifies federal action, especially where different schools, districts and states have failed to address it.

I look forward to working with my colleagues in Congress to adequately address the issue of bullying and harassment and ensure that all students have access to safe learning environments.



Rep. Linda T. Sánchez

112TH CONGRESS  
1ST SESSION

# H. R. 1648

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 HOUSE OF REPRESENTATIVES

APRIL 15, 2011

Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. ACKERMAN, Mr. BACA, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BLUMENAUER, Ms. BORDALLO, Mr. CAPUANO, Mr. CARNAHAN, Mr. CARSON of Indiana, Mr. CICILLINE, Ms. CLARKE of New York, Mr. CONNOLLY of Virginia, Mr. COSTELLO, Mr. COURTNEY, Mr. CROWLEY, Ms. DELAURO, Mr. DEUTCH, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FILNER, Mr. AL GREEN of Texas, Mr. GRIJALVA, Ms. HANABUSA, Mr. HANNA, Mr. HASTINGS of Florida, Ms. HIRONO, Ms. NORTON, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. KILDEE, Mr. KUCINICH, Ms. LEE of California, Mrs. MALONEY, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MEEKS, Ms. MOORE, Mr. MORAN, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL, Mr. OLVER, Mr. PASCARELL, Mr. PAYNE, Ms. PINGREE of Maine, Mr. PLATTS, Mr. POLIS, Mr. PRICE of North Carolina, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. SABLAN, Ms. LORETTA SANCHEZ of California, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STARK, Ms. SUTTON, Mr. TONKO, Mr. TOWNS, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. YARMUTH, and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Education and the Workforce

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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 2011”.

6 **SEC. 2. FINDINGS.**

7        Congress finds the following:

8            (1) Bullying fosters a climate of fear and dis-  
9            respect that can seriously impair the physical and  
10            psychological health of its victims and create condi-  
11            tions that negatively affect learning, thereby under-  
12            mining the ability of students to achieve their full  
13            potential.

14            (2) Bullying and harassment contribute to high  
15            dropout rates, increased absenteeism, and academic  
16            underachievement.

17            (3) Bullying and harassment includes a range  
18            of behaviors that negatively impact a student’s abil-  
19            ity to learn and participate in educational opportuni-  
20            ties and activities that schools offer. Such behaviors  
21            can include hitting or punching, teasing or name-  
22            calling, intimidation through gestures or social ex-  
23            clusion, and sending insulting or offensive messages  
24            through electronic communications such as Internet

1 sites, e-mail, instant messaging, mobile phones and  
2 messaging, telephone, or any other means.

3 (4) Schools with enumerated anti-bullying and  
4 harassment policies have an increased level of re-  
5 porting and teacher intervention in incidents of bul-  
6 lying and harassment, thereby reducing the overall  
7 frequency and number of such incidents.

8 (5) Students have been particularly singled out  
9 for bullying and harassment on the basis of their ac-  
10 tual or perceived race, color, national origin, sex,  
11 disability status, sexual orientation or gender iden-  
12 tity, among other categories.

13 (6) Some young people experience a form of  
14 bullying called relational aggression or psychological  
15 bullying, which harms individuals by damaging,  
16 threatening, or manipulating their relationships with  
17 their peers, or by injuring their feelings of social ac-  
18 ceptance.

19 (7) Interventions to address bullying and har-  
20 assment and create a positive and safe school cli-  
21 mate, combined with evidence-based discipline poli-  
22 cies and practices, such as Positive Behavior Inter-  
23 ventions and Supports (PBIS) and restorative prac-  
24 tices, can minimize suspensions, expulsions, and  
25 other exclusionary discipline policies to ensure that

1 students are not “pushed-out” or diverted to the ju-  
2 venile justice system.

3 (8) According to a recent poll, 85 percent of  
4 Americans strongly support or somewhat support a  
5 Federal law to require schools to enforce specific  
6 rules to prevent bullying.

7 (9) Students, parents, educators, and policy-  
8 makers have come together to call for leadership and  
9 action to address the national crisis of bullying and  
10 harassment.

11 **SEC. 3. SAFE SCHOOLS IMPROVEMENT.**

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

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

16 **“SEC. 4401. PURPOSE.**

17 “The purpose of this part is to address the problem  
18 of bullying and harassment of students in public elemen-  
19 tary schools and secondary schools.

20 **“SEC. 4402. STATE REQUIREMENTS.**

21 “(a) STATE REPORTING, NEEDS ASSESSMENT, AND  
22 TECHNICAL ASSISTANCE.—Each State that receives funds  
23 under this Act shall carry out the following:

24 “(1) COLLECTION AND REPORT OF INFORMA-  
25 TION.—

1           “(A) IN GENERAL.—The State shall collect  
2           and report information on the incidence, preva-  
3           lence, age of onset, perception of health risk,  
4           and perception of social disapproval of bullying  
5           and harassment by youth in elementary schools  
6           and secondary schools and communities in the  
7           State.

8           “(B) SOURCE OF INFORMATION.—In col-  
9           lecting information described in subparagraph  
10          (A), the State shall include information col-  
11          lected from incident reports by school officials,  
12          anonymous student surveys, and anonymous  
13          teacher, administrator, specialized instructional  
14          support personnel, and other school personnel  
15          surveys reported to the State on a school-by-  
16          school basis but shall not identify victims of  
17          bullying or harassment or persons accused of  
18          bullying or harassment.

19          “(C) REPORT.—The chief executive officer  
20          of the State, in cooperation with the State edu-  
21          cational agency, shall—

22                  “(i) submit a biennial report on the  
23                  information described in this paragraph to  
24                  the Secretary; and

1                   “(ii) make such information readily  
2                   available to the public.

3                   “(2) NEEDS ASSESSMENT.—The State shall  
4                   conduct, and publicly report the results of, a needs  
5                   assessment for bullying and harassment prevention  
6                   programs, which shall be based on ongoing State  
7                   evaluation activities, including data on—

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

11                  “(B) the perception of students, parents,  
12                  and communities regarding their school envi-  
13                  ronment, including with respect to the preva-  
14                  lence and seriousness of incidents of bullying  
15                  and harassment and the responsiveness of the  
16                  school to those incidents.

17                  “(3) TECHNICAL ASSISTANCE.—The State shall  
18                  provide technical assistance to local educational  
19                  agencies and schools in their efforts to prevent and  
20                  appropriately respond to incidents of bullying and  
21                  harassment.

22                  “(b) AVAILABLE FUNDING FOR STATES.—To imple-  
23                  ment the requirements described in subsection (a), the  
24                  State may use—



1           “(1) administrative funds consolidated under  
2 section 9201; or

3           “(2) other funds available to the State under  
4 this Act, to the extent consistent with the authorized  
5 uses of such funds.

6 **“SEC. 4403. LOCAL EDUCATIONAL AGENCY REQUIREMENTS.**

7           “(a) LOCAL EDUCATIONAL AGENCY DISCIPLINE  
8 POLICIES, PERFORMANCE INDICATORS, AND GRIEVANCE  
9 PROCEDURES.—Each local educational agency that re-  
10 ceives funds under this Act shall—

11           “(1) include within the agency’s comprehensive  
12 discipline policies clear prohibitions against bullying  
13 and harassment for the protection of all students;

14           “(2) establish and monitor performance indica-  
15 tors for incidents of bullying and harassment;

16           “(3) provide annual notice to parents, students,  
17 and educational professionals—

18           “(A) describing the full range of bullying  
19 and harassment conduct prohibited by the agen-  
20 cy’s discipline policies; and

21           “(B) reporting on the numbers and nature  
22 of bullying and harassment incidents for each  
23 school served by the local educational agency;  
24 and

1           “(4) establish and provide annual notice to stu-  
2 dents, parents, and educational professionals of  
3 grievance procedures for students, parents, or edu-  
4 cational professionals who seek to register com-  
5 plaints regarding bullying and harassment prohib-  
6 ited by the discipline policies, including—

7           “(A) the name of the local educational  
8 agency official who is designated as responsible  
9 for receiving such complaints; and

10           “(B) timelines that the local educational  
11 agency will follow in the resolution of such com-  
12 plaints.

13           “(b) AVAILABLE FUNDING FOR LOCAL EDU-  
14 CATIONAL AGENCIES.—To implement the requirements  
15 described in subsection (a), the local educational agency  
16 may use—

17           “(1) administrative funds consolidated under  
18 section 9203; or

19           “(2) other funds available to the local edu-  
20 cational agency under this Act, to the extent con-  
21 sistent with the authorized uses of such funds.

22 **“SEC. 4404. EVALUATION.**

23           “(a) BIENNIAL EVALUATION.—The Secretary shall  
24 conduct an independent biennial evaluation of programs  
25 to combat bullying and harassment in elementary schools

1 and secondary schools, including implementation of the re-  
2 quirements described in sections 4402 and 4403, including  
3 whether such programs have appreciably reduced the level  
4 of bullying and harassment and have conducted effective  
5 parent involvement and training programs.

6 “(b) DATA COLLECTION.—The Commissioner for  
7 Education Statistics shall collect data, that are subject to  
8 independent review, to determine the incidence and preva-  
9 lence of bullying and harassment in elementary schools  
10 and secondary schools in the United States. The collected  
11 data shall include incident reports by school officials,  
12 anonymous student surveys, anonymous parent surveys,  
13 and anonymous teacher, administrator, specialized in-  
14 structional support personnel, and other school personnel  
15 surveys.

16 “(c) BIENNIAL REPORT.—Not later than January 1,  
17 2012, and every 2 years thereafter, the Secretary shall  
18 submit to the President and Congress a report on the find-  
19 ings of the evaluation conducted under subsection (a) to-  
20 gether with the data collected under subsection (b) and  
21 data submitted by the States under section  
22 4402(a)(1)(C)(i).

23 **“SEC. 4405. DEFINITIONS.**

24 “In this part:

25 “(1) BULLYING.—The term ‘bullying’—

1           “(A) means conduct, including an elec-  
2           tronic communication, that adversely affects the  
3           ability of 1 or more students to participate in  
4           or benefit from the school’s educational pro-  
5           grams or activities by placing the student (or  
6           students) in reasonable fear of physical harm;  
7           and

8           “(B) includes conduct that is based on—

9           “(i) a student’s actual or perceived—

10           “(I) race;

11           “(II) color;

12           “(III) national origin;

13           “(IV) sex;

14           “(V) disability;

15           “(VI) sexual orientation;

16           “(VII) gender identity; or

17           “(VIII) religion;

18           “(ii) any other distinguishing charac-  
19           teristics that may be defined by a State or  
20           local educational agency; or

21           “(iii) association with a person or  
22           group with 1 or more of the actual or per-  
23           ceived characteristics listed in clause (i) or  
24           (ii).

1           “(2) ELECTRONIC COMMUNICATION.—The term  
2           ‘electronic communication’ means a communication  
3           transmitted by means of an electronic device, such  
4           as a telephone, cellular phone, computer, or pager.

5           “(3) HARASSMENT.—The term ‘harassment’—

6                   “(A) means conduct, including an elec-  
7                   tronic communication, that adversely affects the  
8                   ability of 1 or more students to participate in  
9                   or benefit from the school’s educational pro-  
10                   grams or activities because the conduct, as rea-  
11                   sonably perceived by the student (or students),  
12                   is so severe, persistent, or pervasive; and

13                   “(B) includes conduct that is based on—

14                           “(i) a student’s actual or perceived—

15                                   “(I) race;

16                                   “(II) color;

17                                   “(III) national origin;

18                                   “(IV) sex;

19                                   “(V) disability;

20                                   “(VI) sexual orientation;

21                                   “(VII) gender identity; or

22                                   “(VIII) religion;

23                           “(ii) any other distinguishing char-  
24                           acteristic that may be defined by a State  
25                           or local educational agency; or

1                   “(iii) association with a person or  
2                   group with 1 or more of the actual or per-  
3                   ceived characteristics listed in clause (i) or  
4                   (ii).

5 **“SEC. 4406. EFFECT ON OTHER LAWS.**

6           “(a) FEDERAL AND STATE NONDISCRIMINATION  
7 LAWS.—Nothing in this part shall be construed to invali-  
8 date or limit rights, remedies, procedures, or legal stand-  
9 ards available to victims of discrimination under any other  
10 Federal law or law of a State or political subdivision of  
11 a State, including title VI of the Civil Rights Act of 1964  
12 (42 U.S.C. 2000d et seq.), title IX of the Education  
13 Amendments of 1972 (20 U.S.C. 1681 et seq.), section  
14 504 or 505 of the Rehabilitation Act of 1973 (29 U.S.C.  
15 794, 794a), or the Americans with Disabilities Act of 1990  
16 (42 U.S.C. 12101 et seq.). The obligations imposed by this  
17 part are in addition to those imposed by title VI of the  
18 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title  
19 IX of the Education Amendments of 1972 (20 U.S.C.  
20 1681 et seq.), section 504 of the Rehabilitation Act of  
21 1973 (29 U.S.C. 794), and the Americans with Disabil-  
22 ities Act of 1990 (42 U.S.C. 12101 et seq.).

23           “(b) FREE SPEECH AND EXPRESSION LAWS.—Noth-  
24 ing in this part shall be construed to alter legal standards  
25 regarding, or affect the rights (including remedies and

1 procedures) available to individuals under, other Federal  
2 laws that establish protections for freedom of speech or  
3 expression.

4 **“SEC. 4407. RULE OF CONSTRUCTION.**

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

9 (b) TABLE OF CONTENTS.—The table of contents in  
10 section 2 of the Elementary and Secondary Education Act  
11 of 1965 is amended by inserting after the item relating  
12 to section 4304 the following:

“PART D—SAFE SCHOOLS IMPROVEMENT

“Sec. 4401. Purpose.

“Sec. 4402. State requirements.

“Sec. 4403. Local educational agency requirements.

“Sec. 4404. Evaluation.

“Sec. 4405. Definitions.

“Sec. 4406. Effect on other laws.

“Sec. 4407. Rule of construction.”.

