

115TH CONGRESS
2D SESSION

H. R. 6279

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2018

Mr. DANNY K. 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 2018”.

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 aggressive behavior that is intended to
14 cause distress or harm, involves an imbalance of
15 power or strength between the aggressor and
16 the victim and that favors the aggressor, and
17 typically occurs repeatedly over time. Bullying
18 may take many forms, including physical,
19 verbal, relational, and cyber. Bullying can be
20 conduct or behavior or that is based on, but not
21 limited to, a student’s actual or perceived iden-
22 tity with regard to race, color, national origin,
23 sex, gender identity, disability, sexual orienta-
24 tion, religion, or other distinguishing character-

istics that may be defined by a State or local educational agency that—

“(i) is directed at one or more students;

“(ii) substantially interferes with educational opportunities or programs of such students; and

“(iii) adversely affects the ability of a student to participate in or benefit from the school’s educational programs or activities by placing a student in reasonable fear of physical or mental harm.

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

“(i) a student’s association with another individual; and

“(ii) a characteristic of the other individual that is referred to in subparagraph (A).

“(C) CYBERBULLYING.—

“(i) IN GENERAL.—Such term includes conduct described in subparagraph (A) that is undertaken, in whole or in part, through use of technology or electronic

1 communications (including electronic mail,
2 Internet communications, instant mes-
3 sages, or facsimile communications) to
4 transmit images, text, sounds, or other
5 data.

6 “(ii) SEXTING.—Such term includes
7 transmitting a nude picture by a means
8 described in clause (i) if such transmission
9 constitutes conduct described in subpara-
10 graph (A).

11 “(iii) FALSE IDENTITY.—Such term
12 includes knowingly impersonating another
13 person as the author of posted content or
14 messages on the Internet in order to trick,
15 tease, harass, or spread rumors about the
16 other person.

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

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

1 “(B) substantially interferes with edu-
2 cational opportunities or educational programs
3 of such students; and

4 “(C) adversely affects the ability of a stu-
5 dent to participate in or benefit from the
6 school’s educational programs or activities be-
7 cause the conduct as reasonably perceived by
8 the student is so severe, persistent, or perva-
9 sive.

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

12 (h) EFFECT ON OTHER LAWS.—

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

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

17 “(a) FEDERAL AND STATE NONDISCRIMINATION
18 LAWS.—Nothing in this part shall be construed to alter
19 legal standards regarding, or limit rights available to vic-
20 tims of, bullying or harassment under other Federal or
21 State laws, including title VI of the Civil Rights Act of
22 1964 (42 U.S.C. 2000d et seq.), title IX of the Education
23 Amendments of 1972 (20 U.S.C. 1681 et seq.), section
24 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794),

1 or the Americans with Disabilities Act of 1990 (42 U.S.C.
2 12101 et seq.).

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

8 (2) CLERICAL AMENDMENT.—The table of con-
9 tents of the Elementary and Secondary Education
10 Act of 1965 (20 U.S.C. 6301 et seq.) is amended by
11 adding after the item relating to section 4155 the
12 following:

“Sec. 4156. Effect on other laws.”.

