

Bob Casey, Jr.

AMENDMENT NO. Casey/Title IV/Amendment #1 Calendar No. _____

Purpose: To amend part A of title IV of the Elementary and Secondary Education Act of 1965 to address harassment and bullying.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. _____

To reauthorize the Elementary and Secondary Education Act of 1965 to ensure that every child achieves.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENTS intended to be proposed by Mr. Casey for ^{himself and} Mr. Kirk, Ms. Murray, Ms. Baldwin

Viz:

- 1 On page 350, between lines 17 and 18, insert the fol-
- 2 lowing:
- 3 “(4) HARASSMENT.—The term ‘harassment’
- 4 means conduct, including bullying, that—
- 5 “(A) is sufficiently severe, persistent, or
- 6 pervasive to limit or interfere with a student’s
- 7 ability to participate in or benefit from a pro-
- 8 gram or activity of a public school, State edu-
- 9 cational agency, or local educational agency, in-
- 10 cluding acts of verbal, nonverbal, or physical
- 11 aggression, intimidation, hostility, or commu-

1 communications made available through electronic
2 means; and

3 “(B) is based on, but not limited to—

4 “(i) a student’s actual or perceived
5 race, color, national origin, sex, disability,
6 sexual orientation, gender identity, or reli-
7 gion;

8 “(ii) the actual or perceived race,
9 color, national origin, sex, disability, sexual
10 orientation, gender identity, or religion of
11 a person with whom a student associates
12 or has associated; or

13 “(iii) any other distinguishing charac-
14 teristics that may be enumerated by a
15 State or local educational agency.

16 On page 357, strike line 3 and insert the following:

17 “(B) the information reported by local edu-
18 cational agencies in the State pursuant to sec-
19 tion 4105(e)(2); and

20 On page 362, after line 22, insert the following:

21 “(G) A description of the local educational
22 agency’s established enumerated policies that
23 prevent and prohibit harassment, including bul-

1 lying, as required for purposes of section
2 4105(e).

3 On page 372, between lines 19 and 20, insert the fol-
4 lowing:

5 “(e) ESTABLISHED POLICIES.—

6 “(1) IN GENERAL.—A local educational agency
7 receiving a subgrant under this part shall have es-
8 tablished enumerated policies that prevent and pro-
9 hibit harassment, including bullying.

10 “(2) INCIDENCE INFORMATION.—

11 “(A) IN GENERAL.—Each local educational
12 agency receiving a subgrant under this part
13 shall—

14 “(i) collect and report, for each school
15 served by the local educational agency, an-
16 nual incidence data about the conduct pro-
17 hibited by the policies described in para-
18 graph (1), and data regarding the fre-
19 quency of such incidents, that are accurate
20 and complete;

21 “(ii) periodically submit the data de-
22 scribed in clause (i) to the State and make
23 the data reported under subparagraph (A)
24 readily available to the public.

1 “(B) EXISTING PROCESSES.—In carrying
2 out the requirements of subparagraph (A), the
3 local educational agency shall rely on existing
4 processes regarding collecting and reporting
5 data that are already in place for purposes of
6 section 1111(d)(5)(C) in order to ensure that
7 victims or individuals responsible for the pro-
8 hibited conduct are not identifiable by the data.