

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 nications 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.