

Lamar Alexander

Alexander Title IV Amendment #1

AMENDMENT NO. _____ Calendar No. _____

Purpose: To amend title IV regarding anti-bullying policies.

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

AMENDMENT intended to be proposed by _____

Viz:

1 On page 366, between lines 4 and 6, insert the following:
2

3 **“SEC. 4107A. SAFE SCHOOLS.**

4 **“(a) FINDINGS.—Congress finds the following:**

5 **“(1) Bullying and harassment foster a climate**
6 **of fear and disrespect that can seriously impair the**
7 **physical and psychological health of its victims and**
8 **create conditions that negatively affect learning,**
9 **thereby undermining the ability of students to**
10 **achieve their full potential.**

11 **“(2) Bullying and harassment contribute to**
12 **high dropout rate, increased absenteeism, and aca-**
13 **demic underachievement.**

1 “(3) Bullying and harassment include a range
2 of behaviors that negatively impact a student’s abil-
3 ity to learn and participate in educational opportuni-
4 ties and activities that schools offer. Such behaviors
5 can include hitting or punching, name-calling, in-
6 timidation through gestures or social exclusion, and
7 sending insulting or offensive messages through elec-
8 tronic communication, such as internet sites, email,
9 instant messaging, mobile phone and messaging,
10 telephones, or any other means.

11 “(4) Schools with enumerated anti-bullying and
12 harassment policies have an increased level of re-
13 porting and teacher intervention in incidents of bul-
14 lying and harassment, thereby reducing the overall
15 frequency and number of such incidents.

16 “(5) Students have been particularly singled
17 out for bullying and harassment on the basis of their
18 actual or perceived race, color, national origin, sex,
19 disability status, sexual orientation, gender identity,
20 or religion, among other categories.

21 “(6) Some young people experience a form of
22 bullying called relational aggression or psychological
23 bullying, which harms individuals by damaging,
24 threatening, or manipulating their relationships with

1 their peers, or by injuring their feelings of social ac-
2 ceptance.

3 “(7) Interventions to address bullying and har-
4 assment conduct to create a positive and safe school
5 climate, combined with evidence-based discipline
6 policies and practices, such as Positive Behavior
7 Interventions and Supports and restorative prac-
8 tices, can minimize suspensions, expulsions, and
9 other exclusionary discipline policies to ensure that
10 students are not ‘pushed-out’ or diverted to the juve-
11 nile justice system.

12 “(8) According to 1 poll, 85 percent of Ameri-
13 cans strongly support or somewhat support a Fed-
14 eral law to require schools to enforce specific rules
15 to prevent bullying.

16 “(b) SENSE OF CONGRESS.—It is the sense of Con-
17 gress that States and local educational agencies should ad-
18 dress the problem of bullying and harassment of students
19 in public elementary and secondary schools.

20 “(c) STATE AND LOCAL USES OF FUNDS.—

21 “(1) IN GENERAL.—A State educational agency
22 or local educational agency that receives funds under
23 this part shall use such funds to establish, imple-
24 ment, or improve policies and procedures that pre-
25 vent and prohibit bullying and harassment that—

1 “(A) is sufficiently severe, persistent, or
2 pervasive; and

3 “(B) creates a hostile or abusive edu-
4 cational environment adversely affecting a stu-
5 dent’s ability to participate in, or benefit from,
6 a program or activity of a public school or local
7 educational agency.

8 “(2) TYPES OF POLICIES.—A State educational
9 agency or local educational agency may include in
10 the policies and procedures of the agency described
11 in paragraph (1) efforts to address bullying or har-
12 assment that may include—

13 “(A) addressing bullying or harassment
14 based on characteristics that may include—

15 “(i) a student’s actual or perceived
16 race, color, national origin, sex, disability,
17 sexual orientation, gender identity, or reli-
18 gion;

19 “(ii) the actual or perceived race,
20 color, national origin, sex, disability, sexual
21 orientation, gender identity, or religion of
22 a person with whom a student associated
23 or has associated; or

1 “(iii) any other distinguishing charac-
2 teristics that may be defined by the State
3 or local educational agency;

4 “(B) annual notice to students, parents,
5 and educational professionals describing the full
6 range of prohibited conduct contained in such
7 local educational agency’s discipline policies; or

8 “(C) grievance procedures for students or
9 parents to register complaints regarding the
10 prohibited conduct contained in such local edu-
11 cational agency’s discipline policies, including—

12 “(i) the name of the local educational
13 agency officials who are designated as re-
14 sponsible for receiving such complaints;
15 and

16 “(ii) timelines that the local edu-
17 cational agency will establish in the resolu-
18 tion of such complaints.

19 **“SEC. 4107B. EFFECT ON OTHER LAWS.**

20 “(a) **FEDERAL AND STATE NONDISCRIMINATION**
21 **LAWS.**—Nothing in this part shall be construed to invali-
22 date or limit rights, remedies, procedures, or legal stand-
23 ards available to victims of discrimination under any other
24 Federal law or law of a State or political subdivision of
25 a State, including title VI of the Civil Rights Act of 1964

1 (42 U.S.C. 2000d et seq.), title IX of the Education
2 Amendments of 1972 (20 U.S.C. 1681 et seq.), section
3 504 or 505 of the Rehabilitation Act of 1973 (29 U.S.C.
4 794, 794a), or the Americans with Disabilities Act of 1990
5 (42 U.S.C. 12101 et seq.). The obligations imposed by this
6 part are in addition to those imposed by title VI of the
7 Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title
8 IX of the Education Amendments of 1972 (20 U.S.C.
9 1681 et seq.), section 504 of the Rehabilitation Act of
10 1973 (29 U.S.C. 794), and the Americans with Disabil-
11 ities Act of 1990 (42 U.S.C. 12101 et seq.).

12 “(b) **FREE SPEECH AND EXPRESSION LAWS.**—Noth-
13 ing in this part shall be construed to alter legal standards
14 regarding, or affect the rights (including remedies and
15 procedures) available to individuals under, other Federal
16 laws that establish protections for freedom of speech or
17 expression.