

118TH CONGRESS
1ST SESSION

H. R. 6031

To address and take action to prevent bullying and harassment of students.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 24, 2023

Ms. SÁNCHEZ (for herself, Mr. POCAN, Mr. PANETTA, Ms. STRICKLAND, Ms. WILLIAMS of Georgia, Ms. GARCIA of Texas, Ms. NORTON, Mr. TAKANO, Ms. DAVIDS of Kansas, Mr. COSTA, Ms. WILD, Mr. GOMEZ, Ms. JAYAPAL, Mr. EVANS, Mr. ESPAILLAT, Ms. SEWELL, Mr. DOGGETT, Mrs. RAMIREZ, Ms. CRAIG, Mr. LYNCH, Mr. JOHNSON of Georgia, Ms. STEVENS, Ms. BONAMICI, Mrs. MCBATH, Mr. VARGAS, Mr. PETERS, Ms. SALINAS, Mr. CLEAVER, Ms. MOORE of Wisconsin, Mr. TRONE, Ms. ESCOBAR, Mr. MCGOVERN, Mr. QUIGLEY, Mr. RUIZ, Mr. THANEDAR, Mr. BOWMAN, Mr. TORRES of New York, Mr. CASTEN, Mrs. CHERFILUS-MCCORMICK, Mr. KIM of New Jersey, Ms. BUSH, Mr. MOULTON, Mr. SWALWELL, Ms. KAPTUR, Mrs. WATSON COLEMAN, Ms. SCHAKOWSKY, Ms. SPANBERGER, Mr. MULLIN, Ms. LOFGREN, Mr. BISHOP of Georgia, Mr. DAVIS of North Carolina, Mr. CARTWRIGHT, Ms. BROWNLEY, Mrs. BEATTY, Ms. PETTERSEN, Ms. CROCKETT, Mr. SOTO, Mr. LEVIN, Ms. CARAVEO, Mr. SCHIFF, Ms. CHU, Mr. KRISHNAMOORTHY, Ms. SCHRIER, Mr. NADLER, Mr. CARBAJAL, Mrs. FLETCHER, Ms. LEE of Pennsylvania, Ms. KELLY of Illinois, Ms. SLOTKIN, Mr. VEASEY, Ms. JACOBS, Ms. SCANLON, Mr. CASTRO of Texas, Ms. MCCOLLUM, Mr. FOSTER, Ms. LOIS FRANKEL of Florida, Mr. BLUMENAUER, Mr. GRIJALVA, Ms. BARRAGÁN, Mr. RUPPERSBERGER, and Mr. CÁRDENAS) introduced the following bill

OCTOBER 25, 2023

Referred to the Committee on Education and the Workforce

A BILL

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”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

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

17 (3) Bullying and harassment include a range of
18 behaviors that negatively impact a student’s ability
19 to learn and participate in educational opportunities
20 and activities that schools offer. Such behaviors can
21 include hitting or punching, name-calling, intimidat-
22 ion through gestures or social exclusion, and send-
23 ing insulting or offensive messages through elec-
24 tronic communications, such as internet sites, e-

1 mail, instant messaging, mobile phones and mes-
2 saging, 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, gender identity,
12 sex characteristics (including intersex traits), or reli-
13 gion, among other categories.

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

20 (7) Interventions to address bullying and har-
21 assment should incorporate evidence-based discipline
22 policies and practices, such as Positive Behavior
23 Interventions and Supports (PBIS) and other re-
24 storative practices that can minimize suspensions,
25 expulsions, and other exclusionary and harmful dis-

1 cipline policies to ensure that students are not
2 “pushed-out” or diverted to the juvenile justice sys-
3 tem.

4 (8) Perpetrators of bullying and harassment
5 often have a history of trauma or psychological dis-
6 tress, or have been bullied themselves. These stu-
7 dents, often discussed as “bully-victims”, require ad-
8 ditional trauma-informed interventions and consider-
9 ation.

10 **SEC. 3. SAFE SCHOOLS IMPROVEMENT.**

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

14 **“PART G—SAFE SCHOOLS IMPROVEMENT**

15 **“SEC. 4701. PURPOSE.**

16 “The purpose of this part is to address the problem
17 of bullying and harassment conduct of students in public
18 elementary schools and secondary schools.

19 **“SEC. 4702. ANTI-BULLYING POLICIES.**

20 “(a) BULLYING.—In this part, the term ‘bullying’
21 means conduct that adversely affects the ability of one or
22 more students to participate in or benefit from the school’s
23 educational programs or activities by placing a student in
24 fear of harm.

1 “(b) POLICIES.—A State that receives a grant under
2 this title shall require all local educational agencies in the
3 State to carry out the following:

4 “(1) Establish policies that prevent and prohibit
5 conduct, including bullying and harassment, that—

6 “(A) limits a student’s ability to partici-
7 pate in, or benefit from, a program or activity
8 of a public school or local educational agency;
9 or

10 “(B) creates a hostile or abusive edu-
11 cational environment, adversely affecting a stu-
12 dent’s education, at a program or activity of a
13 public school or local educational agency, in-
14 cluding acts of verbal, nonverbal, or physical
15 aggression or intimidation.

16 “(2) The policies required under paragraph (1)
17 shall include a prohibition of bullying or harassment
18 conduct based on—

19 “(A) a student’s actual or perceived race,
20 color, national origin, sex (including sexual ori-
21 entation and gender identity), sex characteris-
22 tics (including intersex traits), disability, or re-
23 ligion;

24 “(B) the actual or perceived race, color,
25 national origin, sex (including sexual orienta-

1 tion and gender identity), sex characteristics
2 (including intersex traits), disability, or religion
3 of a person with whom a student associates or
4 has associated; or

5 “(C) any other distinguishing characteris-
6 tics that may be defined by the State or local
7 educational agency.

8 “(3) Provide—

9 “(A) annual notice to students, parents,
10 and educational professionals describing the full
11 range of prohibited conduct contained in such
12 local educational agency’s discipline policies;
13 and

14 “(B) grievance procedures for students or
15 parents to register complaints regarding the
16 prohibited conduct contained in such local edu-
17 cational agency’s discipline policies, including—

18 “(i) the name of the local educational
19 agency officials who are designated as re-
20 sponsible for receiving such complaints;
21 and

22 “(ii) timelines that the local edu-
23 cational agency will establish in the resolu-
24 tion of such complaints.

1 “(4) Collect annual incidence and frequency of
2 incidents data about the conduct prohibited by the
3 policies described in paragraph (1) at the school
4 level that are accurate and complete and publicly re-
5 port such data at the school level and local edu-
6 cational agency level. The local educational agency
7 shall ensure that victims or persons responsible for
8 such conduct are not identifiable.

9 **“SEC. 4703. STATE REPORTS.**

10 “The chief executive officer of a State that receives
11 a grant under this title, in cooperation with the State edu-
12 cational agency, shall submit a biennial report to the Sec-
13 retary—

14 “(1) on the information reported by local edu-
15 cational agencies in the State pursuant to section
16 4702(b)(4); and

17 “(2) describing the State’s plans for supporting
18 local educational agency efforts to address the con-
19 duct prohibited by the policies described in section
20 4702(b)(1).

21 **“SEC. 4704. EVALUATION.**

22 “(a) BIENNIAL EVALUATION.—The Secretary shall
23 conduct an independent biennial evaluation of programs
24 and policies to combat bullying and harassment in elemen-
25 tary schools and secondary schools, including implementa-

1 tion of the requirements described in section 4702, includ-
2 ing whether such requirements have appreciably reduced
3 the level of the prohibited conduct and have conducted ef-
4 fective parent involvement and training programs.

5 “(b) DATA COLLECTION.—The Commissioner for
6 Education Statistics shall collect data from States, that
7 are subject to independent review, to determine the inci-
8 dence and frequency of conduct prohibited by the policies
9 described in section 4702.

10 “(c) BIENNIAL REPORT.—Not later than January 1,
11 2024, and every 2 years thereafter, the Secretary shall
12 submit to the President and Congress a report on the find-
13 ings of the evaluation conducted under subsection (a) to-
14 gether with the data collected under subsection (b) and
15 data submitted by the States under section 4703.

16 **“SEC. 4705. EFFECT ON OTHER LAWS.**

17 “(a) FEDERAL AND STATE NONDISCRIMINATION
18 LAWS.—Nothing in this part shall be construed to invali-
19 date or limit rights, remedies, procedures, or legal stand-
20 ards available to victims of discrimination under any other
21 Federal law or law of a State or political subdivision of
22 a State, including title VI of the Civil Rights Act of 1964
23 (42 U.S.C. 2000d et seq.), title IX of the Education
24 Amendments of 1972 (20 U.S.C. 1681 et seq.), section
25 504 or 505 of the Rehabilitation Act of 1973 (29 U.S.C.

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

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

15 **“SEC. 4706. RULE OF CONSTRUCTION.**

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

20 (b) TABLE OF CONTENTS.—The table of contents in
 21 section 2 of the Elementary and Secondary Education Act
 22 of 1965 is amended by inserting after the item relating
 23 to section 4644 the following:

“PART G—SAFE SCHOOLS IMPROVEMENT

“Sec. 4701. Purpose.

“Sec. 4702. Anti-bullying policies.

“Sec. 4703. State reports.

“Sec. 4704. Evaluation.

“Sec. 4705. Effect on other laws.

“Sec. 4706. Rule of construction.”.

