

[Note: This document is a copy of a enacted piece of legislation that was about to be lost to history. Everything is left the way it is, and typographical errors may be present.]

Forgotten Act of 2020

Summary:

This bill amends the Safe and Drug-Free Schools and Communities Act to require: (1) states to use grants for safe and drug-free schools to collect and report information on the incidence of bullying and harassment, and (2) local educational agencies (LEAs) and schools to use subgrants to prevent and respond to incidents of bullying and harassment.

Such LEAs or schools must: (1) notify parents and students annually of conduct prohibited in their school discipline policies, which must include policies regarding bullying and harassment; and (2) establish complaint procedures for students and parents to register complaints regarding such conduct.

The bill also expands the Act's definition of violence to include bullying and harassment.

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

A BILL

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

Be it enacted by the Virtual Congress

SECTION 1. SHORT TITLE.

This Act may be cited as the “Forgotten act of 2020”

SEC. 2. BULLYING AND HARASSMENT PREVENTION POLICIES, PROGRAMS, AND STATISTICS.

(a) State Reporting Requirements.—Section 4112(c)(3)(B)(iv) of the Safe and Drug-Free Schools and Communities Act (20 U.S.C. 7112(c)(3)(B)(iv)) is amended by inserting “, including bullying and harassment,” after “violence”.

(b) State Application.—Section 4113(a) of such Act (20 U.S.C. 7113(a)) is amended—

(1) in paragraph (9)—

(A) in subparagraph (C), by striking “and” at the end; and

(B) by adding at the end the following:

“(E) the incidence and prevalence of reported incidents of bullying and harassment; and

“(F) the perception of students regarding their school environment, including with respect to the prevalence and seriousness of incidents of bullying and harassment and the responsiveness of the school to those incidents;”;

(2) in paragraph (18), by striking “and” at the end;

(3) in paragraph (19), by striking the period at the end and inserting “; and”; and

(4) by adding at the end the following:

“(20) provides an assurance that the State educational agency will provide assistance to districts and schools in their efforts to prevent and appropriately respond to incidents of bullying and harassment and describes how the agency will meet this requirement.”.

(c) Local Educational Agency Program Application.—Section 4114(d) of such Act (20 U.S.C. 7114(d)) is amended—

(1) in paragraph (2)(B)(i)—

(A) in the matter preceding subclause (I), by striking the semicolon and inserting a comma;

(B) in subclause (I), by striking “and” at the end; and

(C) by adding at the end the following:

“(III) performance indicators for bullying and harassment prevention programs and activities; and”;

(2) in paragraph (7)—

(A) in subparagraph (A), by inserting “, including bullying and harassment” after “disorderly conduct”;

(B) in subparagraph (D), by striking “and” at the end; and

(C) by adding at the end the following:

“(F) annual notice to parents and students describing the full range of prohibited conduct contained in the discipline policies described in subparagraph (A); and

“(G) complaint procedures for students or parents that seek to register complaints regarding the prohibited conduct contained in the discipline policies described in subparagraph (A), including—

“(i) the name of the school or district officials who are designated as responsible for receiving such complaints; and

“(ii) timelines that the school or district will follow in the resolution of such complaints;”.

(d) Authorized Activities.—Section 4115(b)(2) of such Act (20 U.S.C. 7115(b)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (vi), by striking “and” at the end;

(B) in clause (vii), by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(viii) teach students about the consequences of bullying and harassment.”; and

(2) in subparagraph (E), by adding at the end the following:

“(xxiii) Programs that address the causes of bullying and harassment and that train teachers, administrators, and counselors regarding strategies to prevent bullying and harassment and to effectively intervene when such incidents occur.”.

(e) Reporting.—Section 4116(a)(2)(B) of such Act (20 U.S.C. 7116(a)(2)(B)) is amended by inserting “, including bullying and harassment,” after “drug use and violence”.

(f) Impact Evaluation.—Section 4122 of such Act (20 U.S.C. 7132) is amended—

(1) in subsection (a)(2), by striking “and school violence” and inserting “school violence, including bullying and harassment,”; and

(2) in the first sentence of subsection (b), by inserting “, including bullying and harassment,” after “drug use and violence”.

(g) Definitions.—

(1) DRUG AND VIOLENCE PREVENTION.—Paragraph (3)(B) of section 4151 of such Act (20 U.S.C. 7151) is amended by inserting “, bullying, and other harassment” after “sexual harassment and abuse”.

(2) PROTECTIVE FACTOR, BUFFER, OR ASSET.—Paragraph (6) of such section is amended by inserting “, including bullying and harassment” after “violent behavior”.

(3) RISK FACTOR.—Paragraph (7) of such section is amended by inserting “, including bullying and harassment” after “violent behavior”.

(4) BULLYING, HARASSMENT, AND VIOLENCE.—Such section is further amended by adding at the end the following:

“(12) BULLYING.—

“(A) IN GENERAL.—The term ‘bullying’ means aggressive behavior that is intended to cause distress or harm, involves an imbalance of power or strength between the aggressor and the victim and that favors the aggressor, and typically occurs repeatedly over time. Bullying may take many forms, including physical, verbal, relational, and cyber. Bullying can be conduct or behavior or that is based on, but not limited to, a student’s actual or perceived identity with regard to race, color, national origin, sex, gender identity, disability, sexual orientation, religion, or other distinguishing characteristics 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 communications (including electronic mail, Internet communications, instant messages, or facsimile communications) to transmit images, text, sounds, or other data.

“(ii) SEXTING.—Such term includes transmitting a nude picture by a means described in clause (i) if such transmission constitutes conduct described in subparagraph (A).

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

“(13) HARASSMENT.—The term ‘harassment’ means conduct, including conduct that is based on a student’s actual or perceived identity with regard to race, color, national origin, gender identity, disability, sexual orientation, religion, or any other distinguishing characteristics that may be defined by a State or local educational agency, that—

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

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

“(C) adversely affects the ability of a student to participate in or benefit from the school’s educational programs or activities because the conduct as reasonably perceived by the student is so severe, persistent, or pervasive.

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

(h) Effect On Other Laws.—

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

“SEC. 4156. EFFECT ON OTHER LAWS.

“(a) Federal And State Nondiscrimination Laws.—Nothing in this part shall be construed to alter legal standards regarding, or limit rights available to victims of, bullying or harassment under other Federal or State laws, including title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

“(b) Free Speech And Expression Laws.—Nothing in this part shall be construed to alter legal standards regarding, or affect the rights available to individuals under, other Federal laws that establish protections for freedom of speech and expression.”.

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