



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES

April 27, 2011

Kim Tolhurst, Esq.
Acting General Counsel
U.S. Commission on Civil Rights
624 Ninth Street, N.W., Sixth Floor
Washington, D.C. 20001

Dear Ms. Tolhurst,

Thank you for the opportunity to contribute material to the annual report of the U.S. Commission on Civil Rights. I greatly appreciate the chance to share my views on inter-student violence, particularly as it relates to lesbian, gay, bisexual and transgender students. Please consider this letter and the attached material as you compile your annual report.

Recent events and studies make the need to protect LGBT students strikingly clear. The 2009 Gay, Lesbian and Straight Education Network survey of 7,261 middle and high school students found that nine out of ten LGBT students experienced harassment at school in the preceding year, and nearly two-thirds felt unsafe because of their sexual orientation. Most disturbingly, 85 percent of LGBT students reported being verbally harassed at school, 40 percent reported being physically harassed, and 19 percent reported being physically assaulted.

The school environment for some LGBT students is so intolerable that they don't survive it. For me, this issue is personal. The Fifth Congressional District of Minnesota includes part of the Anoka-Hennepin School District, which has recently experienced a devastating spate of student suicides. Nine enrolled or recently graduated middle and high school students committed suicide in 2010, including three who were gay or lesbian. One of my constituents, Tammy Aaberg, lost her 15-year-old son when he took his own life after experiencing relentless anti-gay bullying.

As one student testified before the Anoka-Hennepin School Board, "Not only did some of these kids who committed suicide get bullied before they died, but one of them, who was a personal friend of mine, was even bullied after she died. Kids said things like, 'she deserved to die.'"

The federal government has a critical role to play in the fight against student bullying and harassment. Two pieces of legislation currently under consideration in the House of

Representatives would help protect young people. The first is the *Student Non-Discrimination Act* (H.R. 998), which would strengthen anti-bullying regulations to protect LGBT youth and bar federal funds to schools that discriminate on the basis of sexual orientation. The second bill is the *Safe Schools Improvement Act* (H.R. 1648), which would amend the Safe and Drug-Free Schools and Communities Act to monitor and respond to bullying and harassment in schools. I am a proud sponsor of both bills.

In closing, I commend the U.S. Commission on Civil Rights for its work to protect the rights of LGBT youth, including their right to attend school in a safe environment. Please consider the attached material for your annual report and do not hesitate to contact my office if I may be of further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Keith Ellison". The signature is written in a cursive, flowing style.

Rep. Keith Ellison (MN-05)



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H.R.998 [112th]

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Latest Title: Student Non-Discrimination Act of 2011

Sponsor: [Rep Polis, Jared](#) [D-CO-2] (introduced 3/10/2011) **Cosponsors:** [128](#)

Committees: House Education and the Workforce

Related Bills: [S.555](#)

Latest Major Action: 3/21/2011 Referred to House subcommittee. Status: Referred to the Subcommittee on Early Childhood, Elementary, and Secondary Education.

Jump to: [Titles](#), [Major Actions](#), [Status](#), [Committees](#), [Related Bill Details](#), [Cosponsors](#),
[Summary](#), [Subjects](#)

TITLE(S): *(italics indicate a title for a portion of a bill)*

- **SHORT TITLE(S) AS INTRODUCED:**
Student Non-Discrimination Act of 2011
- **OFFICIAL TITLE AS INTRODUCED:**
To end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

MAJOR ACTIONS: [\[SELECTED\]](#) *(dates in italics indicate Senate actions)* For more details, see: [Bill Status Display](#).

NONE

STATUS: *(dates in italics indicate Senate actions)*

See also: [CQ Custom BillTrack Report](#)

3/10/2011:

Referred to the House Committee on Education and the Workforce.

3/21/2011:

Referred to the Subcommittee on Early Childhood, Elementary, and Secondary Education.

COMMITTEE(S):

Committee/Subcommittee:

[House Education and the
Workforce](#)

Activity:

Referral, In Committee

Subcommittee on Early
Childhood, Elementary, and Referral
Secondary Education

Related Bills Identified by CRS, House, and Senate Staff: [\[Help\]](#)

Bill:	Relationship:
S.555	Related bill identified by CRS

COSPONSORS, ALPHABETICAL [* = original cosponsor]: (Change sort: [by date](#), [by party](#))
Cosponsor Statistics: 128 current (includes 99 original)

[Rep Ackerman, Gary L. \[D-NY-5\]](#) - 3/10/2011 *
[Rep Baca, Joe \[D-CA-43\]](#) - 3/10/2011 *
[Rep Baldwin, Tammy \[D-WI-2\]](#) - 3/10/2011 *
[Rep Bass, Karen \[D-CA-33\]](#) - 3/30/2011
[Rep Berkley, Shelley \[D-NV-1\]](#) - 3/10/2011 *
[Rep Berman, Howard L. \[D-CA-28\]](#) - 3/10/2011 *
[Rep Bishop, Timothy H. \[D-NY-1\]](#) - 3/31/2011
[Rep Blumenauer, Earl \[D-OR-3\]](#) - 3/10/2011 *
[Rep Boswell, Leonard L. \[D-IA-3\]](#) - 3/16/2011
[Rep Brady, Robert A. \[D-PA-1\]](#) - 3/10/2011 *
[Rep Braley, Bruce L. \[D-IA-1\]](#) - 3/10/2011 *
[Rep Brown, Corrine \[D-FL-3\]](#) - 3/30/2011
[Rep Capps, Lois \[D-CA-23\]](#) - 3/10/2011 *
[Rep Capuano, Michael E. \[D-MA-8\]](#) - 3/10/2011 *
[Rep Carnahan, Russ \[D-MO-3\]](#) - 4/12/2011
[Rep Carson, Andre \[D-IN-7\]](#) - 3/10/2011 *
[Rep Castor, Kathy \[D-FL-11\]](#) - 3/10/2011 *
[Rep Chu, Judy \[D-CA-32\]](#) - 3/10/2011 *
[Rep Cicilline, David N. \[D-RI-1\]](#) - 3/10/2011 *
[Rep Clarke, Hansen \[D-MI-13\]](#) - 4/8/2011
[Rep Clarke, Yvette D. \[D-NY-11\]](#) - 3/10/2011 *
[Rep Clay, Wm. Lacy \[D-MO-1\]](#) - 4/6/2011
[Rep Cleaver, Emanuel \[D-MO-5\]](#) - 4/7/2011
[Rep Cohen, Steve \[D-TN-9\]](#) - 3/10/2011 *
[Rep Connolly, Gerald E. "Gerry" \[D-VA-11\]](#) - 3/30/2011
[Rep Courtney, Joe \[D-CT-2\]](#) - 3/10/2011 *
[Rep Crowley, Joseph \[D-NY-7\]](#) - 3/10/2011 *
[Rep Cummings, Elijah E. \[D-MD-7\]](#) - 3/10/2011 *
[Rep Davis, Susan A. \[D-CA-53\]](#) - 3/10/2011 *
[Rep DeFazio, Peter A. \[D-OR-4\]](#) - 3/10/2011 *
[Rep DeGette, Diana \[D-CO-1\]](#) - 3/10/2011 *
[Rep DeLauro, Rosa L. \[D-CT-3\]](#) - 4/4/2011

[Rep Deutch, Theodore E. \[D-FL-19\] - 3/10/2011 *](#)
[Rep Doyle, Michael F. \[D-PA-14\] - 3/10/2011 *](#)
[Rep Edwards, Donna F. \[D-MD-4\] - 3/15/2011](#)
[Rep Ellison, Keith \[D-MN-5\] - 3/10/2011 *](#)
[Rep Engel, Eliot L. \[D-NY-17\] - 3/10/2011 *](#)
[Rep Eshoo, Anna G. \[D-CA-14\] - 3/10/2011 *](#)
[Rep Farr, Sam \[D-CA-17\] - 3/10/2011 *](#)
[Rep Fattah, Chaka \[D-PA-2\] - 3/30/2011](#)
[Rep Filner, Bob \[D-CA-51\] - 3/10/2011 *](#)
[Rep Frank, Barney \[D-MA-4\] - 3/10/2011 *](#)
[Rep Fudge, Marcia L. \[D-OH-11\] - 4/6/2011](#)
[Rep Gonzalez, Charles A. \[D-TX-20\] - 4/12/2011](#)
[Rep Green, Al \[D-TX-9\] - 3/10/2011 *](#)
[Rep Grijalva, Raul M. \[D-AZ-7\] - 3/10/2011 *](#)
[Rep Gutierrez, Luis V. \[D-IL-4\] - 3/10/2011 *](#)
[Rep Hanabusa, Colleen W. \[D-HI-1\] - 3/31/2011](#)
[Rep Hastings, Alcee L. \[D-FL-23\] - 3/10/2011 *](#)
[Rep Higgins, Brian \[D-NY-27\] - 3/30/2011](#)
[Rep Himes, James A. \[D-CT-4\] - 3/10/2011 *](#)
[Rep Hinchey, Maurice D. \[D-NY-22\] - 3/10/2011 *](#)
[Rep Hirono, Mazie K. \[D-HI-2\] - 3/10/2011 *](#)
[Rep Holt, Rush D. \[D-NJ-12\] - 3/10/2011 *](#)
[Rep Honda, Michael M. \[D-CA-15\] - 3/10/2011 *](#)
[Rep Israel, Steve \[D-NY-2\] - 3/10/2011 *](#)
[Rep Jackson Lee, Sheila \[D-TX-18\] - 3/10/2011 *](#)
[Rep Jackson, Jesse L., Jr. \[D-IL-2\] - 3/10/2011 *](#)
[Rep Johnson, Eddie Bernice \[D-TX-30\] - 3/10/2011 *](#)
[Rep Johnson, Henry C. "Hank," Jr. \[D-GA-4\] - 3/10/2011 *](#)
[Rep Keating, William R. \[D-MA-10\] - 3/10/2011 *](#)
[Rep Kildee, Dale E. \[D-MI-5\] - 3/10/2011 *](#)
[Rep Kucinich, Dennis J. \[D-OH-10\] - 3/10/2011 *](#)
[Rep Langevin, James R. \[D-RI-2\] - 3/10/2011 *](#)
[Rep Larson, John B. \[D-CT-1\] - 3/10/2011 *](#)
[Rep Lee, Barbara \[D-CA-9\] - 3/10/2011 *](#)
[Rep Levin, Sander M. \[D-MI-12\] - 3/10/2011 *](#)
[Rep Lewis, John \[D-GA-5\] - 3/10/2011 *](#)
[Rep Loeb sack, David \[D-IA-2\] - 3/16/2011](#)
[Rep Lofgren, Zoe \[D-CA-16\] - 3/10/2011 *](#)
[Rep Lowey, Nita M. \[D-NY-18\] - 3/30/2011](#)
[Rep Lujan, Ben Ray \[D-NM-3\] - 3/10/2011 *](#)
[Rep Maloney, Carolyn B. \[D-NY-14\] - 3/10/2011 *](#)
[Rep Markey, Edward J. \[D-MA-7\] - 3/10/2011 *](#)
[Rep Matsui, Doris O. \[D-CA-5\] - 3/10/2011 *](#)
[Rep McCarthy, Carolyn \[D-NY-4\] - 3/10/2011 *](#)
[Rep McCollum, Betty \[D-MN-4\] - 3/10/2011 *](#)
[Rep McDermott, Jim \[D-WA-7\] - 3/10/2011 *](#)

Rep McGovern, James P. [D-MA-3] - 3/10/2011 *

Rep Meeks, Gregory W. [D-NY-6] - 3/10/2011 *

Rep Michaud, Michael H. [D-ME-2] - 3/10/2011 *

Rep Moore, Gwen [D-WI-4] - 3/10/2011 *

Rep Moran, James P. [D-VA-8] - 3/10/2011 *

Rep Murphy, Christopher S. [D-CT-5] - 3/10/2011 *

Rep Nadler, Jerrold [D-NY-8] - 3/10/2011 *

Rep Napolitano, Grace F. [D-CA-38] - 3/10/2011 *

Rep Neal, Richard E. [D-MA-2] - 3/10/2011 *

Rep Norton, Eleanor Holmes [D-DC] - 3/10/2011 *

Rep Olver, John W. [D-MA-1] - 3/10/2011 *

Rep Pallone, Frank, Jr. [D-NJ-6] - 3/10/2011 *

Rep Pascrell, Bill, Jr. [D-NJ-8] - 3/10/2011 *

Rep Pastor, Ed [D-AZ-4] - 3/17/2011

Rep Payne, Donald M. [D-NJ-10] - 4/14/2011

Rep Pclosi, Nancy [D-CA-8] - 3/30/2011

Rep Peters, Gary C. [D-MI-9] - 3/10/2011 *

Rep Pingree, Chellie [D-ME-1] - 3/10/2011 *

Rep Platts, Todd Russell [R-PA-19] - 4/1/2011

Rep Quigley, Mike [D-IL-5] - 3/10/2011 *

Rep Richardson, Laura [D-CA-37] - 3/10/2011 *

Rep Ros-Lehtinen, Ileana [R-FL-18] - 3/10/2011 *

Rep Rothman, Steven R. [D-NJ-9] - 3/10/2011 *

Rep Roybal-Allard, Lucille [D-CA-34] - 3/10/2011 *

Rep Rush, Bobby L. [D-IL-1] - 3/30/2011

Rep Ryan, Tim [D-OH-17] - 3/30/2011

Rep Sablan, Gregorio Kilili Camacho [D-MP] - 4/6/2011

Rep Sanchez, Linda T. [D-CA-39] - 3/10/2011 *

Rep Sarbanes, John P. [D-MD-3] - 3/10/2011 *

Rep Schakowsky, Janice D. [D-IL-9] - 3/10/2011 *

Rep Scott, Robert C. "Bobby" [D-VA-3] - 3/30/2011

Rep Serrano, Jose E. [D-NY-16] - 3/10/2011 *

Rep Sherman, Brad [D-CA-27] - 3/10/2011 *

Rep Sires, Albio [D-NJ-13] - 3/30/2011

Rep Slaughter, Louise McIntosh [D-NY-28] - 4/1/2011

Rep Speier, Jackie [D-CA-12] - 3/10/2011 *

Rep Stark, Fortney Pete [D-CA-13] - 3/10/2011 *

Rep Sutton, Betty [D-OH-13] - 3/10/2011 *

Rep Tonko, Paul [D-NY-21] - 3/10/2011 *

Rep Towns, Edolphus [D-NY-10] - 3/10/2011 *

Rep Tsongas, Niki [D-MA-5] - 3/10/2011 *

Rep Van Hollen, Chris [D-MD-8] - 3/10/2011 *

Rep Wasserman Schultz, Debbie [D-FL-20] - 3/10/2011 *

Rep Waxman, Henry A. [D-CA-30] - 3/10/2011 *

Rep Weiner, Anthony D. [D-NY-9] - 3/10/2011 *

[Rep Welch, Peter \[D-VT\]](#) - 3/10/2011 *

[Rep Wilson, Frederica \[D-FL-17\]](#) - 4/13/2011

[Rep Woolsey, Lynn C. \[D-CA-6\]](#) - 3/10/2011 *

[Rep Wu, David \[D-OR-1\]](#) - 3/10/2011 *

[Rep Yarmuth, John A. \[D-KY-3\]](#) - 3/10/2011 *

SUMMARY AS OF:

3/10/2011--Introduced.

Student Non-Discrimination Act of 2011 - Prohibits public school students from being excluded from participating in, or subject to discrimination under, any federally-assisted educational program on the basis of their actual or perceived sexual orientation or gender identity or that of their associates.

Considers harassment to be a form of discrimination.

Prohibits retaliation against anyone for opposing conduct they reasonably believe to be unlawful under this Act.

Authorizes federal departments and agencies to enforce these prohibitions by cutting off the educational assistance of recipients found to be violating them.

Allows an aggrieved individual to assert a violation of this Act in a judicial proceeding and recover reasonable attorney's fees should they prevail.

Deems a state's receipt of federal educational assistance for a program to constitute a waiver of sovereign immunity for conduct prohibited under this Act regarding such program.

SUBJECT(S):

- CRS INDEX TERMS:

[Education](#)

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[Civil actions and liability](#)

[Education programs funding](#)

[Elementary and secondary education](#)

[Government liability](#)

[Legal fees and court costs](#)

[Sex, gender, sexual orientation discrimination](#)

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H.R.998

Student Non-Discrimination Act of 2011 (Introduced in House - IH)

HR 998 IH

112th CONGRESS

1st Session

H. R. 998

To end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

March 10, 2011

Mr. POLIS (for himself, Mr. ACKERMAN, Mr. FARR, Mr. BACA, Mr. FILNER, Ms. BALDWIN, Mr. FRANK of Massachusetts, Ms. BERKLEY, Mr. AL GREEN of Texas, Mr. BERMAN, Mr. GRIJALVA, Mr. BLUMENAUER, Mr. GUTIERREZ, Mr. BRADY of Pennsylvania, Mr. HASTINGS of Florida, Mr. BRALEY of Iowa, Mr. HIMES, Mrs. CAPPS, Mr. HINCHEY, Mr. CAPUANO, Ms. HIRONO, Ms. CASTOR of Florida, Mr. HOLT, Ms. CHU, Mr. HONDA, Mr. CICILLINE, Mr. ISRAEL, Ms. CLARKE of New York, Mr. JACKSON of Illinois, Mr. COURTNEY, Ms. JACKSON LEE of Texas, Mr. CROWLEY, Mr. KILDEE, Mrs. DAVIS of California, Mr. KUCINICH, Mr. DEFAZIO, Mr. LANGEVIN, Ms. DEGETTE, Mr. LARSON of Connecticut, Mr. DEUTCH, Ms. LEE of California, Mr. DOYLE, Mr. LEVIN, Mr. ELLISON, Mr. LEWIS of Georgia, Mr. ENGEL, Ms. ZOE LOFGREN of California, Ms. ESHOO, Mr. LUJAN, Mr. KEATING, Mrs. MALONEY, Mr. MARKEY, Ms. ROS-LEHTINEN, Ms. MATSUI, Mr. ROTHMAN of New Jersey, Mrs. MCCARTHY of New York, Ms. ROYBAL-ALLARD, Ms. MCCOLLUM, Ms. LINDA T. SANCHEZ of California, Mr. MCDERMOTT, Mr. SARBANES, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. MEEKS, Mr. SERRANO, Mr. MICHAUD, Mr. SHERMAN, Ms. MOORE, Ms. SPEIER, Mr. MORAN, Mr. STARK, Mr. MURPHY of Connecticut, Ms. SUTTON, Mr. NADLER, Mr. TONKO, Mrs. NAPOLITANO, Mr. TOWNS, Mr. NEAL, Ms. TSONGAS, Ms. NORTON, Mr. VAN HOLLEN, Mr. OLVER, Ms. WASSERMAN SCHULTZ, Mr. PALLONE, Mr. WAXMAN, Mr. PETERS, Mr. WEINER, Ms. PINGREE of Maine, Mr. WELCH, Mr. QUIGLEY, Ms. WOOLSEY, Ms. RICHARDSON, Mr. WU, Mr. YARMUTH, Mr. COHEN, Mr. CUMMINGS, Ms.

EDDIE BERNICE JOHNSON of Texas, Mr. PASCARELL, Mr. CARSON of Indiana, and Mr. JOHNSON of Georgia) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Student Non-Discrimination Act of 2011'.

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings- The Congress finds the following:

- (1) Public school students who are lesbian, gay, bisexual or transgender (LGBT), or are perceived to be LGBT, or who associate with LGBT people, have been and are subjected to pervasive discrimination, including harassment, bullying, intimidation and violence, and have been deprived of equal educational opportunities, in schools in every part of our Nation.
- (2) While discrimination, including harassment, bullying, intimidation and violence, of any kind is harmful to students and to our education system, actions that target students based on sexual orientation or gender identity represent a distinct and especially severe problem.
- (3) Numerous social science studies demonstrate that discrimination, including harassment, bullying, intimidation and violence, at school has contributed to high rates of absenteeism, dropout, adverse health consequences, and academic underachievement among LGBT youth.
- (4) When left unchecked, discrimination, including harassment, bullying, intimidation and violence, in schools based on sexual orientation or gender identity can lead, and has lead to, life-threatening violence and to suicide.
- (5) Public school students enjoy a variety of constitutional rights, including rights to equal protection, privacy, and free expression, which are infringed when school officials engage in discriminatory treatment or are indifferent to discrimination, including harassment, bullying, intimidation and violence, on the basis of sexual orientation or gender identity.
- (6) While Federal statutory protections expressly address discrimination on the basis of race, color, sex, religion, disability, and national origin, Federal civil rights statutes do not expressly include 'sexual orientation' or 'gender identity'. As a result, students and parents have often had limited legal recourse to redress for discrimination on the basis of sexual orientation or gender identity.

(b) Purposes- The purposes of this Act are--

- (1) to ensure that all students have access to public education in a safe environment free from discrimination, including harassment, bullying, intimidation and violence, on the basis of sexual orientation or gender identity;
- (2) to provide a comprehensive Federal prohibition of discrimination in public schools based on actual or perceived sexual orientation or gender identity;
- (3) to provide meaningful and effective remedies for discrimination in public schools based on actual or perceived sexual orientation or gender identity;
- (4) to invoke congressional powers, including but not limited to the power to enforce the 14th Amendment to the Constitution and to provide for the general welfare pursuant to section 8 of article I of the Constitution and the power to enact all laws necessary and proper for the execution of the foregoing powers pursuant to section 8 of article I of the Constitution, in order to prohibit discrimination in public schools on the basis of sexual orientation or gender identity; and
- (5) to allow the Department of Education to effectively combat discrimination based on sexual orientation or gender identity in public schools through regulation and enforcement, as the Department has issued regulations under and enforced title IX of the Education Amendments of 1972 and other nondiscrimination laws in a manner that effectively addresses discrimination.

SEC. 3. DEFINITIONS.

For purposes of this Act:

- (1) PROGRAM OR ACTIVITY- The terms `program or activity' and `program' have same meanings given such terms as applied under section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-4a) to the operations of public entities under paragraph (2)(B) of such section.
- (2) GENDER IDENTITY- The term `gender identity' means the gender-related identity, appearance, or mannerisms or other gender-related characteristics of an individual, with or without regard to the individual's designated sex at birth.
- (3) HARASSMENT- The term `harassment' means conduct that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from a public school education program or activity, or to create a hostile or abusive educational environment at a public school, including acts of verbal, nonverbal, or physical aggression, intimidation, or hostility, if such conduct is based on--
 - (A) a student's actual or perceived sexual orientation or gender identity; or
 - (B) the actual or perceived sexual orientation or gender identity of a person or persons with whom a student associates or has associated.
- (4) PUBLIC SCHOOLS- The term `public schools' means public elementary and secondary schools, including local educational agencies, educational service agencies, and State educational agencies, as defined in section 9101 of the Elementary and Secondary Education Act of 1965.

(5) SEXUAL ORIENTATION- The term `sexual orientation' means homosexuality, heterosexuality, or bisexuality.

(6) STUDENT- The term `student' means an individual who is enrolled in a public school or who, regardless of official enrollment status, attends classes or participates in a public school's programs or educational activities.

SEC. 4. PROHIBITION AGAINST DISCRIMINATION; EXCEPTIONS.

(a) In General- No student shall, on the basis of actual or perceived sexual orientation or gender identity of such individual or of a person with whom the student associates or has associated, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

(b) Harassment- For purposes of this Act, discrimination includes, but is not limited to, harassment of a student on the basis of actual or perceived sexual orientation or gender identity of such student or of a person with whom the student associates or has associated.

(c) Retaliation Prohibited-

(1) PROHIBITION- No person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination, retaliation, or reprisal under any program or activity receiving Federal financial assistance based on his or her opposition to conduct made unlawful by this Act.

(2) DEFINITION- For purposes of this subsection, `opposition to conduct made unlawful by this Act' includes, but is not limited to--

(A) opposition to conduct reasonably believed to be made unlawful by this Act,

(B) any formal or informal report, whether oral or written, to any governmental entity, including public schools and employees thereof, regarding conduct made unlawful by this Act or reasonably believed to be made unlawful by this Act,

(C) participation in any investigation, proceeding, or hearing related to conduct made unlawful by this Act or reasonably believed to be made unlawful by this Act, and

(D) assistance or encouragement provided to any other person in the exercise or enjoyment of any right granted or protected by this Act,

if in the course of that expression, the person involved does not purposefully provide information known to be false to any public school or other governmental entity regarding a violation, or alleged violation, of this Act.

SEC. 5. FEDERAL ADMINISTRATIVE ENFORCEMENT; REPORT TO CONGRESSIONAL COMMITTEES.

Each Federal department and agency which is empowered to extend Federal financial assistance to any

education program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 4 of this Act with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the Act authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected--

(1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made, and shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or

(2) by any other means authorized by law,

except that no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case of any action terminating, or refusing to grant or continue, assistance because of failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until 30 days have elapsed after the filing of such report.

SEC. 6. CAUSE OF ACTION.

(a) Cause of Action- Subject to subsection (c) of this section, an aggrieved individual may assert a violation of this Act in a judicial proceeding. Aggrieved persons may be awarded all appropriate relief, including but not limited to equitable relief, compensatory damages, cost of the action, and remedial action.

(b) Rule of Construction- This section shall not be construed to preclude an aggrieved individual from obtaining other remedies under any other provision of law or to require such individual to exhaust any administrative complaint process or notice-of-claim requirement before seeking redress under this section.

(c) Statute of Limitations- For actions brought pursuant to this section, the statute of limitations period shall be determined in accordance with section 1658(a) of title 28 of the United States Code. The tolling of any such limitations period shall be determined in accordance with the law governing actions under section 1979 of the Revised Statutes (42 U.S.C. 1983) in the forum State.

SEC. 7. STATE IMMUNITY.

(a) State Immunity- A State shall not be immune under the 11th Amendment to the Constitution of the United States from suit in Federal court for a violation of this Act.

(b) Waiver- A State's receipt or use of Federal financial assistance for any program or activity of a State

shall constitute a waiver of sovereign immunity, under the 11th Amendment to the Constitution or otherwise, to a suit brought by an aggrieved individual for a violation of section 4 of this Act.

(c) Remedies- In a suit against a State for a violation of this Act, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State.

SEC. 8. ATTORNEY'S FEES.

Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended by inserting 'the Student Nondiscrimination Act of 2011,' after 'Religious Land Use and Institutionalized Persons Act of 2000,'.

SEC. 9. EFFECT ON OTHER LAWS.

(a) Federal and State Nondiscrimination Laws- Nothing in this Act shall be construed to preempt, invalidate, or limit rights, remedies, procedures, or legal standards available to victims of discrimination or retaliation under any other Federal law or law of a State or political subdivision of a State, 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), the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), or section 1979 of the Revised Statutes (42 U.S.C. 1983). The obligations imposed by this Act are in addition to those imposed by title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(b) Free Speech and Expression Laws and Religious Student Groups- Nothing in this Act shall be construed to alter legal standards regarding, or affect the rights available to individuals or groups under, other Federal laws that establish protections for freedom of speech and expression, such as legal standards and rights available to religious and other student groups under the 1st Amendment to the Constitution and the Equal Access Act (20 U.S.C. 4071 et seq.).

SEC. 10. SEVERABILITY.

If any provision of this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, and the application of the provision to any other person or circumstance shall not be affected.

SEC. 11. EFFECTIVE DATE.

This Act shall take effect 60 days after the date of the enactment of this Act and shall not apply to conduct occurring before the effective date of this Act.



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H.R.1648 [112th]

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Latest Title: Safe Schools Improvement Act of 2011

Sponsor: [Rep Sanchez, Linda T.](#) [D-CA-39] (introduced 4/15/2011) **Cosponsors:** [70](#)

Committees: House Education and the Workforce

Latest Major Action: 4/15/2011 Referred to House committee. Status: Referred to the House Committee on Education and the Workforce.

Jump to: [Titles](#), [Major Actions](#), [Status](#), [Committees](#), [Related Bill Details](#), [Cosponsors](#), [Summary](#), [Subjects](#)

TITLE(S): *(italics indicate a title for a portion of a bill)*

- **SHORT TITLE(S) AS INTRODUCED:**
Safe Schools Improvement Act of 2011
- **OFFICIAL TITLE AS INTRODUCED:**
To amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

MAJOR ACTIONS: [\[SELECTED\]](#) *(dates in italics indicate Senate actions)* For more details, see: [Bill Status Display](#).

NONE

STATUS: *(dates in italics indicate Senate actions)*

See also: [CQ Custom BillTrack Report](#)

4/15/2011:

Referred to the House Committee on Education and the Workforce.

COMMITTEE(S):

Committee/Subcommittee:	Activity:
House Education and the Workforce	Referral, In Committee

Related Bills Identified by CRS, House, and Senate Staff: [\[Help\]](#)

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Cosponsor Statistics: 70 current (includes 70 original)

[Rep Ackerman, Gary L.](#) [D-NY-5] - 4/15/2011 *
[Rep Baca, Joe](#) [D-CA-43] - 4/15/2011 *
[Rep Baldwin, Tammy](#) [D-WI-2] - 4/15/2011 *
[Rep Berkley, Shelley](#) [D-NV-1] - 4/15/2011 *
[Rep Berman, Howard L.](#) [D-CA-28] - 4/15/2011 *
[Rep Blumenauer, Earl](#) [D-OR-3] - 4/15/2011 *
[Rep Bordallo, Madeleine Z.](#) [D-GU] - 4/15/2011 *
[Rep Capuano, Michael E.](#) [D-MA-8] - 4/15/2011 *
[Rep Carnahan, Russ](#) [D-MO-3] - 4/15/2011 *
[Rep Carson, Andre](#) [D-IN-7] - 4/15/2011 *
[Rep Cicilline, David N.](#) [D-RI-1] - 4/15/2011 *
[Rep Clarke, Yvette D.](#) [D-NY-11] - 4/15/2011 *
[Rep Connolly, Gerald E. "Gerry"](#) [D-VA-11] - 4/15/2011 *
[Rep Costello, Jerry F.](#) [D-IL-12] - 4/15/2011 *
[Rep Courtney, Joe](#) [D-CT-2] - 4/15/2011 *
[Rep Crowley, Joseph](#) [D-NY-7] - 4/15/2011 *
[Rep DeLauro, Rosa L.](#) [D-CT-3] - 4/15/2011 *
[Rep Deutch, Theodore E.](#) [D-FL-19] - 4/15/2011 *
[Rep Ellison, Keith](#) [D-MN-5] - 4/15/2011 *
[Rep Engel, Eliot L.](#) [D-NY-17] - 4/15/2011 *
[Rep Eshoo, Anna G.](#) [D-CA-14] - 4/15/2011 *
[Rep Filner, Bob](#) [D-CA-51] - 4/15/2011 *
[Rep Green, Al](#) [D-TX-9] - 4/15/2011 *
[Rep Grijalva, Raul M.](#) [D-AZ-7] - 4/15/2011 *
[Rep Hanabusa, Colleen W.](#) [D-HI-1] - 4/15/2011 *
[Rep Hanna, Richard L.](#) [R-NY-24] - 4/15/2011 *
[Rep Hastings, Alcee L.](#) [D-FL-23] - 4/15/2011 *
[Rep Hirono, Mazie K.](#) [D-HI-2] - 4/15/2011 *
[Rep Holt, Rush D.](#) [D-NJ-12] - 4/15/2011 *
[Rep Honda, Michael M.](#) [D-CA-15] - 4/15/2011 *
[Rep Israel, Steve](#) [D-NY-2] - 4/15/2011 *
[Rep Jackson Lee, Sheila](#) [D-TX-18] - 4/15/2011 *
[Rep Jackson, Jesse L., Jr.](#) [D-IL-2] - 4/15/2011 *
[Rep Kildee, Dale E.](#) [D-MI-5] - 4/15/2011 *
[Rep Kucinich, Dennis J.](#) [D-OH-10] - 4/15/2011 *
[Rep Lee, Barbara](#) [D-CA-9] - 4/15/2011 *
[Rep Maloney, Carolyn B.](#) [D-NY-14] - 4/15/2011 *
[Rep Matsui, Doris O.](#) [D-CA-5] - 4/15/2011 *
[Rep McCarthy, Carolyn](#) [D-NY-4] - 4/15/2011 *
[Rep McCollum, Betty](#) [D-MN-4] - 4/15/2011 *

[Rep McGovern, James P. \[D-MA-3\]](#) - 4/15/2011 *
[Rep Meeks, Gregory W. \[D-NY-6\]](#) - 4/15/2011 *
[Rep Moore, Gwen \[D-WI-4\]](#) - 4/15/2011 *
[Rep Moran, James P. \[D-VA-8\]](#) - 4/15/2011 *
[Rep Nadler, Jerrold \[D-NY-8\]](#) - 4/15/2011 *
[Rep Napolitano, Grace F. \[D-CA-38\]](#) - 4/15/2011 *
[Rep Neal, Richard E. \[D-MA-2\]](#) - 4/15/2011 *
[Rep Norton, Eleanor Holmes \[D-DC\]](#) - 4/15/2011 *
[Rep Olver, John W. \[D-MA-1\]](#) - 4/15/2011 *
[Rep Pascrell, Bill, Jr. \[D-NJ-8\]](#) - 4/15/2011 *
[Rep Payne, Donald M. \[D-NJ-10\]](#) - 4/15/2011 *
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[Rep Price, David E. \[D-NC-4\]](#) - 4/15/2011 *
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[Rep Rothman, Steven R. \[D-NJ-9\]](#) - 4/15/2011 *
[Rep Roybal-Allard, Lucille \[D-CA-34\]](#) - 4/15/2011 *
[Rep Sablan, Gregorio Kilili Camacho \[D-MP\]](#) - 4/15/2011 *
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[Rep Sherman, Brad \[D-CA-27\]](#) - 4/15/2011 *
[Rep Slaughter, Louise McIntosh \[D-NY-28\]](#) - 4/15/2011 *
[Rep Stark, Fortney Pete \[D-CA-13\]](#) - 4/15/2011 *
[Rep Sutton, Betty \[D-OH-13\]](#) - 4/15/2011 *
[Rep Tonko, Paul \[D-NY-21\]](#) - 4/15/2011 *
[Rep Towns, Edolphus \[D-NY-10\]](#) - 4/15/2011 *
[Rep Van Hollen, Chris \[D-MD-8\]](#) - 4/15/2011 *
[Rep Wasserman Schultz, Debbie \[D-FL-20\]](#) - 4/15/2011 *
[Rep Yarmuth, John A. \[D-KY-3\]](#) - 4/15/2011 *
[Rep Young, Don \[R-AK\]](#) - 4/15/2011 *

SUMMARY:

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H.R.1648

Safe Schools Improvement Act of 2011 (Introduced in House - IH)

HR 1648 IH

112th CONGRESS

1st Session

H. R. 1648

To amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

IN THE HOUSE OF REPRESENTATIVES

April 15, 2011

Ms. LINDA T. SANCHEZ of California (for herself, Mr. ACKERMAN, Mr. BACA, Ms. BALDWIN, Ms. BERKLEY, Mr. BERMAN, Mr. BLUMENAUER, Ms. BORDALLO, Mr. CAPUANO, Mr. CARNAHAN, Mr. CARSON of Indiana, Mr. CICILLINE, Ms. CLARKE of New York, Mr. CONNOLLY of Virginia, Mr. COSTELLO, Mr. COURTNEY, Mr. CROWLEY, Ms. DELAURO, Mr. DEUTCH, Mr. ELLISON, Mr. ENGEL, Ms. ESHOO, Mr. FILNER, Mr. AL GREEN of Texas, Mr. GRIJALVA, Ms. HANABUSA, Mr. HANNA, Mr. HASTINGS of Florida, Ms. HIRONO, Ms. NORTON, Mr. HOLT, Mr. HONDA, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON LEE of Texas, Mr. KILDEE, Mr. KUCINICH, Ms. LEE of California, Mrs. MALONEY, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM, Mr. MCGOVERN, Mr. MEEKS, Ms. MOORE, Mr. MORAN, Mr. NADLER, Mrs. NAPOLITANO, Mr. NEAL, Mr. OLVER, Mr. PASCARELL, Mr. PAYNE, Ms. PINGREE of Maine, Mr. PLATTS, Mr. POLIS, Mr. PRICE of North Carolina, Ms. RICHARDSON, Mr. ROTHMAN of New Jersey, Ms. ROYBAL-ALLARD, Mr. SABLAN, Ms. LORETTA SANCHEZ of California, Mr. SHERMAN, Ms. SLAUGHTER, Mr. STARK, Ms. SUTTON, Mr. TONKO, Mr. TOWNS, Mr. VAN HOLLEN, Ms. WASSERMAN SCHULTZ, Mr. YARMUTH, and Mr. YOUNG of Alaska) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Elementary and Secondary Education Act of 1965 to address and take action to prevent bullying and harassment of students.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Safe Schools Improvement Act of 2011'.

SEC. 2. FINDINGS.

Congress finds the following:

- (1) Bullying fosters a climate of fear and disrespect that can seriously impair the physical and psychological health of its victims and create conditions that negatively affect learning, thereby undermining the ability of students to achieve their full potential.
- (2) Bullying and harassment contribute to high dropout rates, increased absenteeism, and academic underachievement.
- (3) Bullying and harassment includes a range of behaviors that negatively impact a student's ability to learn and participate in educational opportunities and activities that schools offer. Such behaviors can include hitting or punching, teasing or name-calling, intimidation through gestures or social exclusion, and sending insulting or offensive messages through electronic communications such as Internet sites, e-mail, instant messaging, mobile phones and messaging, telephone, or any other means.
- (4) Schools with enumerated anti-bullying and harassment policies have an increased level of reporting and teacher intervention in incidents of bullying and harassment, thereby reducing the overall frequency and number of such incidents.
- (5) Students have been particularly singled out for bullying and harassment on the basis of their actual or perceived race, color, national origin, sex, disability status, sexual orientation or gender identity, among other categories.
- (6) Some young people experience a form of bullying called relational aggression or psychological bullying, which harms individuals by damaging, threatening, or manipulating their relationships with their peers, or by injuring their feelings of social acceptance.
- (7) Interventions to address bullying and harassment and create a positive and safe school climate, combined with evidence-based discipline policies and practices, such as Positive Behavior Interventions and Supports (PBIS) and restorative practices, can minimize suspensions, expulsions, and other exclusionary discipline policies to ensure that students are not 'pushed-out' or diverted to the juvenile justice system.
- (8) According to a recent poll, 85 percent of Americans strongly support or somewhat support a

Federal law to require schools to enforce specific rules to prevent bullying.

(9) Students, parents, educators, and policymakers have come together to call for leadership and action to address the national crisis of bullying and harassment.

SEC. 3. SAFE SCHOOLS IMPROVEMENT.

(a) In General- Title IV of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7101 et seq.) is amended by adding at the end the following:

PART D--SAFE SCHOOLS IMPROVEMENT

SEC. 4401. PURPOSE.

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

SEC. 4402. STATE REQUIREMENTS.

(a) State Reporting, Needs Assessment, and Technical Assistance- Each State that receives funds under this Act shall carry out the following:

(1) COLLECTION AND REPORT OF INFORMATION-

(A) IN GENERAL- The State shall collect and report information on the incidence, prevalence, age of onset, perception of health risk, and perception of social disapproval of bullying and harassment by youth in elementary schools and secondary schools and communities in the State.

(B) SOURCE OF INFORMATION- In collecting information described in subparagraph (A), the State shall include information collected from incident reports by school officials, anonymous student surveys, and anonymous teacher, administrator, specialized instructional support personnel, and other school personnel surveys reported to the State on a school-by-school basis but shall not identify victims of bullying or harassment or persons accused of bullying or harassment.

(C) REPORT- The chief executive officer of the State, in cooperation with the State educational agency, shall--

(i) submit a biennial report on the information described in this paragraph to the Secretary; and

(ii) make such information readily available to the public.

(2) NEEDS ASSESSMENT- The State shall conduct, and publicly report the results of, a needs assessment for bullying and harassment prevention programs, which shall be based on ongoing State evaluation activities, including data on--

- `(A) the incidence and prevalence of reported incidents of bullying and harassment; and
- `(B) the perception of students, parents, and communities 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.

`(3) TECHNICAL ASSISTANCE- The State shall provide technical assistance to local educational agencies and schools in their efforts to prevent and appropriately respond to incidents of bullying and harassment.

`(b) Available Funding for States- To implement the requirements described in subsection (a), the State may use--

`(1) administrative funds consolidated under section 9201; or

`(2) other funds available to the State under this Act, to the extent consistent with the authorized uses of such funds.

`SEC. 4403. LOCAL EDUCATIONAL AGENCY REQUIREMENTS.

`(a) Local Educational Agency Discipline Policies, Performance Indicators, and Grievance Procedures- Each local educational agency that receives funds under this Act shall--

`(1) include within the agency's comprehensive discipline policies clear prohibitions against bullying and harassment for the protection of all students;

`(2) establish and monitor performance indicators for incidents of bullying and harassment;

`(3) provide annual notice to parents, students, and educational professionals--

`(A) describing the full range of bullying and harassment conduct prohibited by the agency's discipline policies; and

`(B) reporting on the numbers and nature of bullying and harassment incidents for each school served by the local educational agency; and

`(4) establish and provide annual notice to students, parents, and educational professionals of grievance procedures for students, parents, or educational professionals who seek to register complaints regarding bullying and harassment prohibited by the discipline policies, including--

`(A) the name of the local educational agency official who is designated as responsible for receiving such complaints; and

`(B) timelines that the local educational agency will follow in the resolution of such complaints.

`(b) Available Funding for Local Educational Agencies- To implement the requirements described in subsection (a), the local educational agency may use--

`(1) administrative funds consolidated under section 9203; or

`(2) other funds available to the local educational agency under this Act, to the extent consistent with the authorized uses of such funds.

`SEC. 4404. EVALUATION.

`(a) Biennial Evaluation- The Secretary shall conduct an independent biennial evaluation of programs to combat bullying and harassment in elementary schools and secondary schools, including implementation of the requirements described in sections 4402 and 4403, including whether such programs have appreciably reduced the level of bullying and harassment and have conducted effective parent involvement and training programs.

`(b) Data Collection- The Commissioner for Education Statistics shall collect data, that are subject to independent review, to determine the incidence and prevalence of bullying and harassment in elementary schools and secondary schools in the United States. The collected data shall include incident reports by school officials, anonymous student surveys, anonymous parent surveys, and anonymous teacher, administrator, specialized instructional support personnel, and other school personnel surveys.

`(c) Biennial Report- Not later than January 1, 2012, and every 2 years thereafter, the Secretary shall submit to the President and Congress a report on the findings of the evaluation conducted under subsection (a) together with the data collected under subsection (b) and data submitted by the States under section 4402(a)(1)(C)(i).

`SEC. 4405. DEFINITIONS.

`In this part:

`(1) BULLYING- The term `bullying'--

`(A) means conduct, including an electronic communication, that adversely affects the ability of 1 or more students to participate in or benefit from the school's educational programs or activities by placing the student (or students) in reasonable fear of physical harm; and

`(B) includes conduct that is based on--

`(i) a student's actual or perceived--

`(I) race;

`(II) color;

`(III) national origin;

`(IV) sex;

`(V) disability;

`(VI) sexual orientation;

`(VII) gender identity; or

`(VIII) religion;

`(ii) any other distinguishing characteristics that may be defined by a State or local educational agency; or

`(iii) association with a person or group with 1 or more of the actual or perceived characteristics listed in clause (i) or (ii).

`(2) ELECTRONIC COMMUNICATION- The term `electronic communication' means a communication transmitted by means of an electronic device, such as a telephone, cellular phone, computer, or pager.

`(3) HARASSMENT- The term `harassment'--

`(A) means conduct, including an electronic communication, that adversely affects the ability of 1 or more students to participate in or benefit from the school's educational programs or activities because the conduct, as reasonably perceived by the student (or students), is so severe, persistent, or pervasive; and

`(B) includes conduct that is based on--

`(i) a student's actual or perceived--

`(I) race;

`(II) color;

`(III) national origin;

`(IV) sex;

`(V) disability;

`(VI) sexual orientation;

`(VII) gender identity; or

`(VIII) religion;

`(ii) any other distinguishing characteristic that may be defined by a State or local educational agency; or

`(iii) association with a person or group with 1 or more of the actual or perceived characteristics listed in clause (i) or (ii).

SEC. 4406. EFFECT ON OTHER LAWS.

(a) Federal and State Nondiscrimination Laws- Nothing in this part shall be construed to invalidate or limit rights, remedies, procedures, or legal standards available to victims of discrimination under any other Federal law or law of a State or political subdivision of a State, 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 or 505 of the Rehabilitation Act of 1973 (29 U.S.C. 794, 794a), or the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.). The obligations imposed by this part are in addition to those imposed by 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), and 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 (including remedies and procedures) available to individuals under, other Federal laws that establish protections for freedom of speech or expression.

SEC. 4407. RULE OF CONSTRUCTION.

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

(b) Table of Contents- The table of contents in section 2 of the Elementary and Secondary Education Act of 1965 is amended by inserting after the item relating to section 4304 the following:

PART D--Safe Schools Improvement

Sec. 4401. Purpose.

Sec. 4402. State requirements.

Sec. 4403. Local educational agency requirements.

Sec. 4404. Evaluation.

Sec. 4405. Definitions.

Sec. 4406. Effect on other laws.

Sec. 4407. Rule of construction.

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