

110TH CONGRESS
1ST SESSION

H. R. 3438

To amend the Safe and Drug-Free Schools and Communities Act to authorize the use of grant funds for gang prevention, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 3, 2007

Ms. LINDA T. SÁNCHEZ of California (for herself, Ms. BORDALLO, Mr. BOUCHER, Mr. COHEN, Mr. DAVIS of Illinois, Mr. AL GREEN of Texas, Mr. HARE, Mr. HINOJOSA, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. ORTIZ, Ms. SLAUGHTER, and Mr. WYNN) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Safe and Drug-Free Schools and Communities Act to authorize the use of grant funds for gang prevention, and for other purposes.

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 “Bullying and Gang
5 Reduction for Improved Education Act”.

1 **SEC. 2. AMENDMENTS TO SAFE AND DRUG-FREE SCHOOLS**
2 **AND COMMUNITIES ACT.**

3 (a) FINDINGS.—The Safe and Drug-Free Commu-
4 nities Act (part A of title IV of the Elementary and Sec-
5 ondary Education Act of 1965) is amended by inserting
6 after section 4001 (20 U.S.C. 7101) the following:

7 **“SEC. 4001A. FINDINGS.**

8 “Congress finds the following:

9 “(1) Bullying among children is aggressive be-
10 havior that is intentional, often involves an imbal-
11 ance of power or strength, and is typically repeated
12 over time.

13 “(2) A child who is being bullied or harassed
14 often has a hard time defending himself or herself.

15 “(3) Bullying can take many forms, including
16 hitting or punching; teasing or name-calling; intimi-
17 dation through gestures or social exclusion; and
18 sending insulting, threatening, or offensive messages
19 via e-mail, instant messaging, SMS, telephone, or
20 any other electronic messaging system.

21 “(4) There is no single cause of bullying among
22 children; rather, individual, familial, peer, school,
23 and community factors may place a child or youth
24 at risk of bullying his or her peers.

1 “(5) A majority of parents, students, and edu-
2 cators report that bullying and harassment are
3 issues of major concern.

4 “(6) Research indicates that children and youth
5 with disabilities or special needs and children and
6 youth who are lesbian, gay, bisexual, or trans-gen-
7 der, or who are perceived to be so, face a higher risk
8 of being bullied than other children.

9 “(7) Overweight and obese school-aged children
10 are more likely to be both victims and perpetrators
11 of bullying behaviors than their non-overweight
12 peers.

13 “(8) Weight-based teasing is consistently asso-
14 ciated with low body satisfaction, low self-esteem,
15 depressive symptoms, and thinking about or at-
16 tempting suicide.

17 “(9) Research indicates that adolescents in un-
18 safe neighborhoods engage in less physical activity
19 than their peers; and that intense physical activity
20 programs can not only improve health and reduce
21 obesity, they can also have positive effects on aca-
22 demic achievement.

23 “(10) Children and youth who are bullied are
24 more likely than other children to be depressed,
25 lonely, or anxious; have low self-esteem; be absent

1 from school; suffer colds, coughs, and sore throats;
2 and think about suicide.

3 “(11) Bullying can be a sign of other serious
4 antisocial behavior or violent behavior or both.

5 “(12) Children and youth who frequently bully
6 their peers are more likely than their peers to get
7 into frequent fights, be injured in a fight, vandalize
8 or steal property, drink alcohol, smoke, be truant
9 from school, drop out of school, and carry a weapon.

10 “(13) Harassment and bullying have been
11 linked to 75 percent of school shooting incidents, in-
12 cluding the fatal shootings at Columbine High
13 School in Colorado, Santana High School in Cali-
14 fornia, and the Virginia Polytechnic Institute and
15 State University (Virginia Tech).

16 “(14) Gang involvement and exposure to peer
17 violence greatly increases a youth’s likelihood of en-
18 gaging in violent behavior.

19 “(15) Youth who have been involved in gang ac-
20 tivity and violent behavior have a significantly great-
21 er chance of continuing to be involved in criminal
22 behavior as adults.

23 “(16) Ninety-one percent of students who are
24 not involved with gangs report that they expect to

1 complete high school, yet only seventy-five percent of
2 gang-involved youths expect to finish high school.

3 “(17) Children from areas with significant gang
4 influence or activity struggle with strategies to main-
5 tain their safety and report weighing the benefits
6 and costs of avoiding gangs or engaging with them.

7 “(18) Repeated exposure to violence is a cause
8 of childhood trauma, depression, anxiety, post-trau-
9 matic stress, aggression, violence, and other serious
10 behavioral problems.

11 “(19) Bullying, harassment, and gang-related
12 activity have serious safety consequences for schools
13 and the students who attend them: thirty-nine per-
14 cent of middle schoolers and thirty-six percent of
15 high schoolers say they don’t feel safe at school.

16 “(20) The stresses of being bullied, harassed, or
17 involved with a gang can interfere with a student’s
18 engagement in school and can negatively impact stu-
19 dent learning.

20 “(21) Research indicates that bullying at school
21 can be significantly reduced through comprehensive,
22 school-wide programs designed to change norms for
23 behavior.

24 “(22) Evaluations of school-based gang preven-
25 tion and education programs show that they can re-

1 duce delinquency and gang activity and increase
2 commitment to peers and law enforcement.”.

3 (b) PURPOSE.—Section 4002 (20 U.S.C. 7102) of
4 that Act is amended—

5 (1) in the matter preceding paragraph (1)—

6 (A) by striking “violence” and inserting
7 “violence, bullying, harassment, and gangs”;
8 and

9 (B) by inserting after “supports student
10 academic achievement” the following: “and fa-
11 cilitates healthy, physically active lifestyles”;

12 (2) in paragraph (1) by striking “drug and vio-
13 lence prevention” and inserting “drug, violence, bul-
14 lying, and gang prevention”;

15 (3) in paragraph (2) by striking “drug and vio-
16 lence prevention” both places such term appears and
17 inserting “drug, violence, bullying, and gang preven-
18 tion”; and

19 (4) in paragraph (4)—

20 (A) by striking “drug and violence preven-
21 tion” and inserting “drug, violence, bullying,
22 and gang prevention”; and

23 (B) by striking “drug use and violence”
24 and inserting “drug use, violence, bullying, and
25 gangs”.

1 (c) RESERVATION OF STATE FUNDS FOR SAFE AND
2 DRUG-FREE SCHOOLS.—Section 4112 of that Act (20
3 U.S.C. 7112) is amended—

4 (1) in subsection (a)—

5 (A) in paragraph (2), in the matter pre-
6 ceding subparagraph (A), by striking “drug use
7 and violence” and inserting “drug use, violence,
8 bullying, and gangs”;

9 (B) in paragraph (3) by striking “drug
10 and violence prevention” both places such term
11 appears and inserting “drug, violence, bullying,
12 and gang prevention”; and

13 (C) in paragraph (5)—

14 (i) in the matter preceding subpara-
15 graph (A) by striking “drug and violence
16 prevention” and inserting “drug, violence,
17 bullying, and gang prevention”;

18 (ii) in subparagraph (A) by striking
19 “violence” and inserting “violence, bul-
20 lying, and gangs”; and

21 (iii) in each of subparagraphs (B) and
22 (C) by striking “drug and violence preven-
23 tion” and inserting “drug, violence, bul-
24 lying, and gang prevention”; and

25 (2) in subsection (c)—

1 (A) in paragraph (2)(D)—

2 (i) in each of clauses (i) and (iii) by
3 striking “drug and violence prevention” in-
4 serting “drug, violence, bullying, and gang
5 prevention”; and

6 (ii) in clause (ii) by striking “violence
7 that is associated” and inserting “violence,
8 bullying, and gangs that are associated”;
9 and

10 (B) in paragraph (3)(B)—

11 (i) in clause (ii) by striking “violence
12 and drug-related” and inserting “violence,
13 bullying, gang, and drug-related”; and

14 (ii) in clause (iv) by striking “drug
15 use and violence” and inserting “drug use,
16 violence, and gangs”.

17 (d) STATE APPLICATION.—Section 4113 of that Act
18 (20 U.S.C. 7113) is amended in subsection (a)—

19 (1) in each of paragraphs (4) and (5) by strik-
20 ing “drug and violence prevention” and inserting
21 “drug, violence, bullying, and gang prevention”;

22 (2) in paragraph (9)—

23 (A) in the matter preceding subparagraph

24 (A) by striking “drug and violence prevention”

1 and inserting “drug, violence, bullying, and
2 gang prevention”; and

3 (B) in subparagraph (A) by striking the
4 term “drug use and violence” and inserting
5 “drug use, violence, and gangs”;

6 (3) in paragraph (10) by striking “drug and vi-
7 olence prevention” both places such term appears
8 and inserting “drug, violence, bullying, and gang
9 prevention”; and

10 (4) in paragraph (14) by striking “drug and vi-
11 olence prevention” and inserting “drug, violence,
12 bullying, and gang prevention”.

13 (e) LOCAL EDUCATIONAL AGENCY PROGRAM.—Sec-
14 tion 4114 of that Act (20 U.S.C. 7114) is amended—

15 (1) in subsection (a)(1), in the matter pre-
16 ceding subparagraph (A), by striking “drug and vio-
17 lence prevention” and inserting “drug, violence, bul-
18 lying, harassment, and gang prevention”;

19 (2) in subsection (c)(1)(A) by striking “drug
20 and violence prevention” and inserting “drug, vio-
21 lence, bullying, and gang prevention”; and

22 (3) in subsection (d)—

23 (A) in paragraph (2)—

24 (i) in the matter preceding subpara-
25 graph (A), and in subparagraph (A), by

1 striking “drug and violence prevention”
2 and inserting “drug, violence, bullying, and
3 gang prevention”;

4 (ii) in subparagraph (B), in the mat-
5 ter preceding clause (i), and in clause (i),
6 by striking “drug and violence prevention”
7 and inserting “drug, violence, bullying, and
8 gang prevention”; and

9 (iii) in subparagraph (D), by striking
10 “drug and violence prevention” and insert-
11 ing “drug, violence, bullying, and gang
12 prevention”; and

13 (B) in paragraph (6)—

14 (i) by striking “drug and violence pre-
15 vention” and inserting “drug, violence, bul-
16 lying, and gang prevention”; and

17 (ii) by striking “acts of violence” and
18 inserting “acts of violence, bullying, and
19 gangs”.

20 (f) AUTHORIZED ACTIVITIES.—Section 4115 of that
21 Act (20 U.S.C. 7115) is amended—

22 (1) in subsection (a)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (A)—

1 (I) by striking “violence and ille-
2 gal drug use” both places such term
3 appears and inserting “violence, bul-
4 lying, gangs, and illegal drug use”;
5 and

6 (II) by striking “drug and vio-
7 lence prevention” and inserting “drug,
8 violence, bullying, and gang preven-
9 tion”; and

10 (ii) in subparagraph (C) by striking
11 “violence and illegal drug use” and insert-
12 ing “violence, bullying, gangs, and illegal
13 drug use”; and

14 (B) in paragraph (2)(A) by striking “vio-
15 lence and illegal drug use” and inserting “vio-
16 lence, bullying, gangs, and illegal drug use”;

17 (2) in subsection (b)—

18 (A) in paragraph (1)(C)—

19 (i) in clause (i) by striking “violence”
20 and inserting “violence, bullying, and
21 gangs”; and

22 (ii) in clause (ii) by striking “drug use
23 and violence” and inserting “drug use, vio-
24 lence, bullying, and gangs”; and

25 (B) in paragraph (2)—

1 (i) in subparagraph (A)—

2 (I) in clause (i) by striking “vio-
3 lence” and inserting “violence and
4 gangs”;

5 (II) in clause (vi) by striking
6 “and” at the end;

7 (III) in clause (vii) by striking
8 the period at the end and inserting a
9 semicolon; and

10 (IV) by adding at the end the fol-
11 lowing:

12 “(viii) teach students the appropriate
13 steps to take to address bullying when it
14 happens to themselves or others; and

15 “(ix) promote safe passage to and
16 from schools on foot and by bicycle.”;

17 (ii) in subparagraph (B)—

18 (I) by striking “drug and violence
19 prevention” and inserting “drug, vio-
20 lence, bullying, and gang prevention”;
21 and

22 (II) by striking “violence and ille-
23 gal use of drugs” both places such
24 term appears and inserting “violence,

1 bullying, gangs, and illegal use of
2 drugs”;

3 (iii) in each of subparagraphs (C) and
4 (D) by striking “drug and violence preven-
5 tion” and inserting “drug, violence, bul-
6 lying, and gang prevention”; and

7 (iv) in subparagraph (E)—

8 (I) in the matter preceding clause
9 (i) by striking “Drug and violence
10 prevention” and inserting “Drug, vio-
11 lence, bullying, and gang prevention”;

12 (II) in clause (i) by striking “vio-
13 lence and illegal drug use” and insert-
14 ing “violence, bullying, gangs, and il-
15 legal drug use”;

16 (III) in clause (v) by inserting
17 “and programs embodied by the safe
18 routes to school program under sec-
19 tion 1404 of the Safe, Accountable,
20 Flexible, Efficient Transportation Eq-
21 uity Act: A Legacy for Users (23
22 U.S.C. 402 note; 119 Stat. 1228)”
23 before the period at the end;

24 (IV) in clause (vi) by striking
25 “drug and violence prevention” each

1 place such term appears and inserting
2 “drug, violence, bullying, and gang
3 prevention”;

4 (V) in clause (vii)—

5 (aa) by striking “illegal drug
6 use and violence” and inserting
7 “violence, gangs, and illegal drug
8 use”; and

9 (bb) by striking “violence
10 and illegal drug use” and insert-
11 ing “violence, gangs, and illegal
12 drug use”;

13 (VI) in clause (ix) by striking
14 “violent or drug abusing students”
15 and inserting “violent, bullying, gang-
16 affiliated, or drug abusing students”;

17 (VII) in clause (x) by striking
18 “violent behavior and illegal use of
19 drugs” and inserting “violent behav-
20 ior, bullying, gang affiliation, and ille-
21 gal use of drugs”;

22 (VIII) in clause (xi) by striking
23 “violence and illegal drug use” and in-
24 serting “violence, gangs, and illegal
25 drug use”;

1 (IX) in clause (xii) by striking
2 “Drug and violence prevention” and
3 inserting “Drug, violence, bullying,
4 and gang prevention”;

5 (X) in clause (xiii)—

6 (aa) by striking “violence
7 prevention and education pro-
8 grams” and inserting “violence,
9 bullying, and gang prevention
10 and education programs”; and

11 (bb) by striking “resolve
12 conflicts without violence” and
13 inserting “resolve conflicts with-
14 out violence, bullying, or gangs”;

15 (XI) in clause (xv) by striking
16 “major accident, or a drug-related in-
17 cident” and inserting “major accident,
18 bullying incident, gang-related inci-
19 dent, or drug-related incident”;

20 (XII) in clause (xvii) by striking
21 “drug and violence prevention” and
22 inserting “drug, violence, bullying,
23 and gang prevention”;

24 (XIII) in clause (xviii) by strik-
25 ing “safety hotline” and inserting

1 “safety, bullying prevention, and gang
2 prevention hotline”; and

3 (XIV) by adding at the end the
4 following:

5 “(xxiii) Programs that address the
6 causes and consequences of bullying and
7 harassment and that train teachers, ad-
8 ministrators, counselors, school psycholo-
9 gists, school social workers, para-profes-
10 sionals, and other school employees includ-
11 ing bus drivers regarding strategies to pre-
12 vent bullying and harassment and to effec-
13 tively intervene when such incidents
14 occur.”; and

15 (C) by adding at the end the following:

16 “(3) ENCOURAGEMENT OF CERTAIN PRO-
17 GRAMS.—The Secretary shall strive to ensure that
18 all applicants and recipients of funds under this part
19 are made aware of and understand how to access
20 programs that are rated as ‘effective’, ‘exemplary’,
21 or ‘promising’ by the Office of Juvenile Justice and
22 Delinquency Prevention of the Department of Jus-
23 tice.”; and

1 (3) in subsection (d) by striking “drug and vio-
2 lence prevention” and inserting “drug, violence, bul-
3 lying, and gang prevention”.

4 (g) REPORTING.—Section 4116 of that Act (20
5 U.S.C. 7116) is amended—

6 (1) in subsection (a)—

7 (A) in paragraph (1)—

8 (i) in subparagraph (B) by striking
9 “drug and violence prevention” and insert-
10 ing “drug, violence, bullying, and gang
11 prevention”; and

12 (ii) in subparagraph (C) by striking
13 “violence and drug prevention” and insert-
14 ing “drug, violence, bullying, and gang
15 prevention”; and

16 (B) in paragraph (2)(B) by striking “drug
17 use and violence” and inserting “drug use, vio-
18 lence, and gangs”; and

19 (2) in subsection (b)(1) by striking “violence
20 and drug prevention” and inserting “drug, violence,
21 bullying, and gang prevention”.

22 (h) FEDERAL ACTIVITIES.—Section 4121 of that Act
23 (20 U.S.C. 7131) is amended in subsection (a)—

24 (1) in the matter preceding paragraph (1) by
25 striking “illegal use of drugs and violence” and in-

1 serting “violence, bullying, gang activity, and illegal
2 drug use”;

3 (2) in paragraph (1) by striking “drug and vio-
4 lence prevention” and inserting “drug, violence, bul-
5 lying, and gang prevention”;

6 (3) in paragraph (2), in the matter preceding
7 subparagraph (A) and in subparagraph (A), by
8 striking “drug and violence prevention” and insert-
9 ing “drug, violence, bullying, and gang prevention”;

10 (4) in paragraph (4) by striking “violence pre-
11 vention and education” and inserting “violence, bul-
12 lying, and gang prevention and education”;

13 (5) in paragraph (5) by striking “drug and vio-
14 lence prevention” and inserting “drug, violence, bul-
15 lying, and gang prevention”; and

16 (6) in each of paragraphs (6) and (8) by strik-
17 ing “drug and violence problems” and inserting
18 “drug, violence, bullying, and gang problems”.

19 (i) IMPACT EVALUATION.—Section 4122 of that Act
20 (20 U.S.C. 7132) is amended—

21 (1) in subsection (a)—

22 (A) in the matter preceding paragraph (1)
23 by striking “violence and illegal drug use” and
24 inserting “violence, bullying, gangs, and illegal
25 drug use”; and

1 (B) in paragraph (2) by striking “and
2 school violence” and inserting “school violence,
3 gang activity,”;

4 (2) in subsection (b) by striking “illegal drug
5 use and violence” and inserting “violence, gangs,
6 and illegal drug use”; and

7 (3) in subsection (c) by striking “drug use and
8 violence” and inserting “drug use, violence, bullying,
9 and gangs”.

10 (j) SAFE AND DRUG-FREE SCHOOLS AND COMMU-
11 NITIES ADVISORY COMMITTEE.—Section 4124 of that Act
12 (20 U.S.C. 7134) is amended—

13 (1) in subsection (a), in each of paragraphs
14 (1)(B) and (3), by striking “substance abuse and vi-
15 olence prevention” and inserting “violence, bullying,
16 gang, and substance abuse prevention”; and

17 (2) in subsection (b)(4)(A)(i) by striking “sub-
18 stance abuse and violence problem” and inserting
19 “violence, bullying, gang, and substance abuse prob-
20 lem”.

21 (k) SCHOOL SECURITY TECHNOLOGY AND RESOURCE
22 CENTER.—Section 4127 of that Act (20 U.S.C. 7137) is
23 amended in subsection (c) by striking “school violence re-
24 search” and inserting “school violence, bullying, harass-
25 ment, and gang research”.

1 (l) NATIONAL CENTER FOR SCHOOL AND YOUTH
2 SAFETY.—Section 4128 of that Act (20 U.S.C. 7138) is
3 amended in subsection (b)—

4 (1) in paragraph (2) by striking “such as sub-
5 stance abuse” and inserting “such as bullying, sub-
6 stance abuse”; and

7 (2) in paragraph (4) by striking “school vio-
8 lence prevention” and inserting “school violence, bul-
9 lying, harassment, and gang prevention”.

10 (m) MENTORING PROGRAMS.—Section 4130 of that
11 Act (20 U.S.C. 7140) is amended—

12 (1) in subsection (a)(2)(B)—

13 (A) by redesignating clauses (ii) and (iii)
14 as (iii) and (iv), respectively; and

15 (B) by inserting after clause (i) the fol-
16 lowing:

17 “(ii) a park and recreation agency of
18 a unit of local government;”; and

19 (2) in subsection (b)—

20 (A) in paragraph (1)(B)—

21 (i) in clause (iv) by striking “violence,
22 use of dangerous weapons” and inserting
23 “violence, bullying, harassment, gangs, use
24 of dangerous weapons”; and

1 (ii) by inserting after clause (vi) the
2 following:

3 “(vii) Encourage participation in reg-
4 ular physical activity and developments of
5 habits that promote life-long physical fit-
6 ness.”.

7 (B) in paragraph (5)(B)(i) by striking
8 “schools with violence problems” and inserting
9 “schools with violence, bullying, or gang prob-
10 lems”.

11 (n) DEFINITIONS.—Section 4151 of that Act (20
12 U.S.C. 7161) is amended—

13 (1) in paragraph (3)—

14 (A) in the heading by striking “DRUG AND
15 VIOLENCE PREVENTION” and inserting “DRUG,
16 VIOLENCE, BULLYING, AND GANG PREVEN-
17 TION”;

18 (B) in the matter preceding subparagraph
19 (A) by striking “drug and violence prevention”
20 and inserting “drug, violence, bullying, and
21 gang prevention”; and

22 (C) in subparagraph (B) by striking “with
23 respect to violence” and inserting “with respect
24 to violence, bullying, and gangs”; and

1 (2) in each of paragraphs (6) and (7) by strik-
2 ing “violent behavior” and inserting “violent or gang
3 behavior”.

4 (o) MESSAGE AND MATERIALS.—Section 4152 of
5 that Act (20 U.S.C. 7162) is amended in subsection (a)—
6 (1) by striking “Drug and violence prevention”
7 and inserting “Drug, violence, bullying, harassment,
8 and gang prevention”; and
9 (2) by striking “acts of violence” and inserting
10 “acts of violence, bullying, harassment, and gangs”.

○