

114TH CONGRESS
1ST SESSION

S. 672

To amend the Elementary and Secondary Education Act of 1965 to support
a reduction in school suspensions and expulsions.

IN THE SENATE OF THE UNITED STATES

MARCH 4, 2015

Mr. CASEY introduced the following bill; which was read twice and referred
to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Elementary and Secondary Education Act
of 1965 to support a reduction in school suspensions
and expulsions.

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 “Keep Kids in School
5 Act”.

6 **SEC. 2. STATE PLANS.**

7 Section 1111(c) of the Elementary and Secondary
8 Education Act of 1965 (20 U.S.C. 6311(c)) is amended—

9 (1) in paragraph (13), by striking “and” after
10 the semicolon;

1 (2) in paragraph (14) by striking the period at
2 the end and inserting “; and”; and

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

4 “(15) the State educational agency will work
5 with other State agencies, local educational agencies,
6 organizations representing teachers, administrators,
7 and other school personnel, organizations rep-
8 resenting parents, and community-based programs
9 to reduce suspensions and expulsions in public early
10 childhood education programs, as applicable, and el-
11 ementary school and secondary school including
12 by—

13 “(A) focusing on local educational agencies
14 with a high rate of suspensions and expulsions
15 and with a disparity between the rates of sus-
16 pension and expulsion for students who are
17 members of the categories described in section
18 1111(h)(1)(C)(ii)(III)(dd), and all students at
19 the school;

20 “(B) expanding professional development
21 provided to principals, administrators, teachers,
22 specialized instructional support personnel,
23 para-educators, and other staff that regularly
24 interact with students, on a schoolwide basis, to
25 educate such individuals about evidence-based

1 approaches to reduce suspensions and expul-
 2 sions, such as prevention and deescalation
 3 strategies, conflict resolution, understanding
 4 and responding to the effects of trauma and vi-
 5 olence on students, and multi-tiered systems of
 6 support that include developmentally, culturally,
 7 and linguistically appropriate positive behav-
 8 ioral interventions for students in public early
 9 childhood education programs, as applicable,
 10 and elementary school and secondary school;
 11 and

12 “(C) developing a plan to ensure that each
 13 student who is suspended will receive ongoing
 14 educational services that will allow the student
 15 to successfully participate in the student’s pre-
 16 vious educational program upon the student’s
 17 return to school following a suspension.”.

18 **SEC. 3. LOCAL PLANS.**

19 Section 1112(b)(1) of the Elementary and Secondary
 20 Education Act of 1965 (20 U.S.C. 6312(b)(1)) is amend-
 21 ed—

22 (1) in subparagraph (P), by striking “and”
 23 after the semicolon;

24 (2) is subparagraph (Q), by striking the period
 25 at the end and inserting “; and”; and

1 (3) by adding at the end the following:

2 “(R) a description of—

3 “(i) the actions the local educational
4 agency will take to reduce suspensions and
5 expulsions in public early childhood edu-
6 cation programs, as applicable, and ele-
7 mentary school and secondary school; and

8 “(ii) how the local educational agency
9 will measure progress and benchmarks of
10 improvement in reducing suspensions and
11 expulsions, and the professional develop-
12 ment that is necessary to achieve such a
13 reduction, with a particular focus on re-
14 ducing disparities between the rates of sus-
15 pension and expulsion for students who are
16 members of the categories described in sec-
17 tion 1111(h)(1)(C)(ii)(III)(dd) as com-
18 pared to such rates for all students at the
19 school;

20 “(S) an assurance that, in consultation
21 with local government agencies, and commu-
22 nity-based programs, if applicable, the local
23 educational agency will provide a report on—

24 “(i) the professional development pro-
25 vided to principals, administrators, teach-

1 ers, specialized instructional support per-
2 sonnel, para-educators, and other staff
3 that regularly interact with students on
4 evidence-based approaches to reduce sus-
5 pensions and expulsions for students in
6 public school, which may include preven-
7 tion and deescalation strategies, conflict
8 resolution, understanding and responding
9 to the effects of trauma and violence on
10 students, and multi-tiered systems of sup-
11 port that include developmentally, cul-
12 turally, and linguistically appropriate posi-
13 tive behavioral interventions; and

14 “(ii) a description of how the local
15 educational agency will ensure that each
16 student who is suspended will receive ongo-
17 ing educational services that will allow the
18 student to successfully participate in the
19 student’s previous educational program
20 upon the student’s return to school fol-
21 lowing a suspension;

22 “(T) an assurance that each school served
23 by the local educational agency will make pub-
24 licly available, the school’s individual suspension
25 and expulsion policy, or the suspension and ex-

1 pulsion policy of the local educational agency
 2 that serves the school, if such policy operates on
 3 the local educational agency level; and

4 “(U) an assurance that each school served
 5 by the local educational agency will make avail-
 6 able, upon request, information about the be-
 7 havior that resulted in each suspension or ex-
 8 pulsion that was issued to a student at the
 9 school.”.

10 **SEC. 4. REPORTING.**

11 (a) LEA REPORT.—Section 1111(h)(2)(B) of the El-
 12 mentary and Secondary Education Act of 1965 (20
 13 U.S.C. 6311(h)(2)(B)) is amended by striking clause (ii)
 14 and inserting the following:

15 “(ii) in the case of a school—

16 “(I) whether the school has been
 17 identified for school improvement;

18 “(II) information that shows how
 19 the school’s students achievement on
 20 the statewide academic assessments
 21 and other indicators of adequate year-
 22 ly progress compared to students in
 23 the local educational agency and the
 24 State as a whole; and

1 “(III) information about suspen-
2 sions and expulsions, including—

3 “(aa) the number of suspen-
4 sions and expulsions;

5 “(bb) the length of each sus-
6 pension;

7 “(cc) the number of children
8 suspended and the number of
9 children suspended more than
10 once;

11 “(dd) the number of police
12 arrests and referrals to law en-
13 forcement of students,
14 disaggregated by grade, race,
15 ethnicity, gender, disability sta-
16 tus (in accordance with section
17 602 of the Individuals with Dis-
18 abilities Education Act), migrant
19 status, English proficiency sta-
20 tus, and status as economically
21 disadvantaged;

22 “(ee) the number of times
23 multiple suspensions were issued
24 for the same student for the
25 same offense;

1 “(ff) the number of times a
2 student is transferred as part of
3 a disciplinary removal to an al-
4 ternative educational setting,
5 disaggregated by the categories
6 described in subclause (IV);

7 “(gg) the percentage of the
8 student population that was sus-
9 pended or expelled, disaggregated
10 by the groups described in item
11 (dd); and

12 “(hh) information on the
13 professional development and im-
14 plementation support provided to
15 principals, administrators, teach-
16 ers, and other appropriate staff
17 on schoolwide evidence-based ap-
18 proaches, such as those described
19 in section 1111(c)(15) to reduce
20 suspensions and expulsions in
21 public early childhood education
22 programs, as applicable, and ele-
23 mentary school and secondary
24 school.”.

1 (b) STATE REPORT.—Section 1111(h)(1)(C) of the
 2 Elementary and Secondary Education Act of 1965 (20
 3 U.S.C. 6311(h)(1)(C)) is amended—

4 (1) by redesignating clause (vii) and (viii) as
 5 clause (viii) and (ix), respectively; and

6 (2) by inserting after clause (vi) the following;

7 “(vii) the information described in
 8 paragraph (2)(B)(ii)(III), as applicable,
 9 aggregated to reflect the State as a
 10 whole;”.

11 **SEC. 5. RESERVATION OF FUNDS FOR SCHOOL IMPROVE-**
 12 **MENT.**

13 Section 4121 of the Elementary and Secondary Edu-
 14 cation Act of 1965 (20 U.S.C. 7131) is amended—

15 (1) in subsection (a) by inserting “, and not re-
 16 served under subsection (c)” after “carry out this
 17 subpart under section 4003(2),”;

18 (2) in subsection (b), by striking this section
 19 and inserting subsection (a); and

20 (3) by adding at the end the following:

21 “(c) RESERVATION OF FUNDS FOR SCHOOL DIS-
 22 CIPLINE.—

23 “(1) IN GENERAL.—No less than 7.5 percent of
 24 the funds made available to carry out this subpart
 25 under section 4003(2) shall be reserved for the Sec-

1 retary to make grants to the 50 local educational
2 agencies with an approved application that have the
3 highest rates of suspension and expulsion and the
4 greatest disparity between the rates of suspension
5 and expulsion for students who are members of the
6 categories described in section
7 1111(h)(1)(C)(ii)(III)(dd), and all students at the
8 school, as determined by the Secretary.

9 “(2) ALLOCATION OF FUNDS.—The Secretary
10 shall allocate the funds described in paragraph (1)
11 among such local educational agencies in a manner
12 determined by the Secretary.

13 “(3) APPLICATION.—In order to receive funds
14 under this subsection, a local educational agency
15 shall submit a plan to the Secretary in such form
16 and containing such information as the Secretary
17 may reasonably require and shall include a descrip-
18 tion of how the local educational agency will use the
19 funds awarded under this subsection for the profes-
20 sional development of principals, administrators,
21 teachers, specialized instructional support personnel,
22 para-educators, school resource officers, and school
23 police to reduce suspensions and expulsions.

24 “(4) ELIGIBLE ACTIVITIES.—A local edu-
25 cational agency receiving funds under this subsection

1 may use such funds to carry out one or more of the
2 following activities:

3 “(A) training on developmentally, cul-
4 turally, and linguistically appropriate prevention
5 and deescalation strategies;

6 “(B) implementing positive behavioral
7 intervention systems;

8 “(C) implementing tiered disciplinary sys-
9 tems;

10 “(D) carrying out training on conflict reso-
11 lution and restorative justice;

12 “(E) hiring additional school-based mental
13 health services providers; and

14 “(F) carrying out other evidence-based ap-
15 proaches to reducing school suspensions and ex-
16 pulsions.

17 “(5) REPORT.—

18 “(A) REPORTS TO THE SECRETARY.—At
19 the conclusion of each grant period, each local
20 educational agency that receives a grant under
21 this subsection shall prepare and submit a re-
22 port to the Secretary on the uses for the fund-
23 ing received as well as the techniques used by
24 the local educational agency to reduce suspen-
25 sions and expulsions.

1 “(B) REPORT ON BEST PRACTICES.—The
2 Secretary shall publish and make publicly avail-
3 able an annual report on the best practices for
4 State educational agencies and local educational
5 agencies to reduce the use of suspensions and
6 expulsions, and may include information from
7 the reports described in subparagraph (A).”.

8 **SEC. 6. DEFINITIONS.**

9 Section 9101 of the Elementary and Secondary Edu-
10 cation Act of 1965 (20 U.S.C. 7801) is amended by add-
11 ing at the end the following:

12 “(44) SUSPENSION.—The term ‘suspension’
13 means an instance in which a student, including a
14 student with a disability, is temporarily removed
15 from the student’s regular educational setting for
16 disciplinary purposes to another setting (such as
17 home, a behavior center, or an interim alternative
18 educational setting, which may be at the school), re-
19 gardless of whether the student receives educational
20 or other services from the school in that setting.

21 “(45) EXPULSION.—The term ‘expulsion’
22 means an action taken by the local educational agen-
23 cy removing a student from the student’s regular
24 school for disciplinary purposes for the remainder of
25 the school year or longer, in accordance with local

1 educational agency policy, and includes any removal
2 from school, or modified removal, of a student of a
3 period of less than 1 year, as required by State law
4 in accordance with section 4141.”.

5 **SEC. 7. STATE AND LOCAL USES OF FUNDS FOR PROFES-**
6 **SIONAL DEVELOPMENT.**

7 (a) STATE USE OF FUNDS.—Section 2113(c) of the
8 Elementary and Secondary Education Act of 1965 (20
9 U.S.C. 6613(c)) is amended by adding at the end the fol-
10 lowing:

11 “(19) Encouraging and supporting local edu-
12 cational agencies in providing professional develop-
13 ment to teachers, administrators, other school per-
14 sonnel, and school leaders in ways to reduce the use
15 of suspensions and expulsions, especially when re-
16 sulting in disparities between the rates of suspension
17 and expulsion for students who are members of the
18 categories described in section
19 1111(h)(1)(C)(ii)(III)(dd) as compared to such rates
20 for all students at the school, which may include de-
21 veloping tools such as developmentally, culturally,
22 and linguistically appropriate prevention and deesca-
23 lation strategies, positive behavioral intervention sys-
24 tems, tiered disciplinary systems, conflict resolution

1 and restorative justice, and other evidence-based ap-
2 proaches.”.

3 (b) LOCAL USE OF FUNDS.—Section 2123(a)(3)(B)
4 of the Elementary and Secondary Education Act of 1965
5 (20 U.S.C. 6623(a)(3)(B)) is amended—

6 (1) in the matter preceding clause (i), by strik-
7 ing “teachers and principals and, in appropriate
8 cases, paraprofessionals,” and inserting “teachers,
9 administrators, other personnel, and school leaders”;

10 (2) by redesignating clauses (iii) through (v) as
11 clauses (iv) through (vi), respectively; and

12 (3) by inserting after clause (ii) the following:

13 “(iii) provide professional development
14 regarding ways to reduce the use of sus-
15 pensions and expulsions, especially when
16 resulting in disparities between the rates of
17 suspension and expulsion for students who
18 are members of the categories described in
19 section 1111(h)(1)(C)(ii)(III)(dd) as com-
20 pared to such rates for all students at the
21 school, which may include developing tools
22 or establishing school-level teams that are
23 well-versed and familiar with tools such as
24 developmentally, culturally, and linguis-
25 tically appropriate prevention and deescala-

1 tion strategies, positive behavioral inter-
2 vention systems, tiered disciplinary sys-
3 tems, conflict resolution, and other evi-
4 dence-based approaches;”.

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