

116TH CONGRESS  
2D SESSION

# S. 4936

To prohibit the use of corporal punishment in schools, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

DECEMBER 1, 2020

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

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## A BILL

To prohibit the use of corporal punishment in schools, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Protecting our Students in Schools Act of 2020”.

6 (b) TABLE OF CONTENTS.—The table of contents for  
7 this Act are as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Definitions.

### TITLE I—PROHIBITION OF CORPORAL PUNISHMENT

- Sec. 101. Prohibition of corporal punishment.
- Sec. 102. Civil actions by the Attorney General.
- Sec. 103. Enforcement by the Office for Civil Rights.

Sec. 104. Parent notification and protection and advocacy systems.

TITLE II—STATE ACTIVITIES AND GRANT PROGRAM

Sec. 201. State plan and enforcement.

Sec. 202. Grant authority.

TITLE III—ADDITIONAL PROVISIONS

Sec. 301. Federal regulations.

Sec. 302. Other schools.

Sec. 303. Limitation of authority.

Sec. 304. Applicability.

Sec. 305. Severability.

Sec. 306. Authorization of appropriations.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are to—

3 (1) eliminate the use of corporal punishment in  
4 schools;

5 (2) ensure, regardless of sexual orientation,  
6 gender identity or expression, sex, race, color, na-  
7 tional origin, disability, or religion, the health and  
8 safety of all students and program personnel in  
9 schools and promote a positive school climate and  
10 culture;

11 (3) assist States, local educational agencies,  
12 and schools in improving school climate and culture  
13 by implementing positive behavioral interventions  
14 and supports and other models to address student  
15 behavior and work to eliminate the use of exclu-  
16 sionary and aversive discipline practices or interven-  
17 tions;

18 (4) ensure all program personnel have the sup-  
19 ports and training necessary to implement positive

1 behavioral interventions and supports and other  
2 models to address student behavior and improve  
3 school climate and culture; and

4 (5) collect and analyze data on exclusionary and  
5 aversive discipline practices or interventions in  
6 schools.

7 **SEC. 3. DEFINITIONS.**

8 In this Act:

9 (1) **CORPORAL PUNISHMENT.**—The term “cor-  
10 poral punishment” means, with respect to a student,  
11 a deliberate act which causes the student to feel  
12 physical pain for the purpose of discipline, including  
13 an act of physical force, such as striking, spanking,  
14 or paddling, inflicted on a student’s body, requiring  
15 a student to assume a painful physical position, or  
16 the use of chemical sprays, electroshock weapon, or  
17 stun guns on a student’s body.

18 (2) **ESEA TERMS.**—The terms “elementary  
19 school”, “evidence-based”, “local educational agen-  
20 cy”, “outlying area”, “parent”, “secondary school”,  
21 “Secretary”, “State”, and “State educational agen-  
22 cy” have the meanings given the terms in section  
23 8101 of the Elementary and Secondary Education  
24 Act of 1965 (20 U.S.C. 7801).

1           (3) MODEL.—The term “model” means an ac-  
 2           tivity, strategy, framework, or intervention that is  
 3           evidence-based, to the extent practicable.

4           (4) POSITIVE BEHAVIORAL INTERVENTIONS  
 5           AND SUPPORTS.—The term “positive behavioral  
 6           interventions and supports”—

7                   (A) means a schoolwide, systematic ap-  
 8                   proach that embeds evidence-based practices  
 9                   and data-driven decisionmaking to improve  
 10                   school climate and culture in order to achieve  
 11                   improved academic and social outcomes and in-  
 12                   crease learning for all students (including stu-  
 13                   dents with the most complex and intensive be-  
 14                   havioral needs); and

15                   (B) encompasses a range of systemic and  
 16                   individualized positive strategies to teach and  
 17                   reinforce school-expected behaviors, while dis-  
 18                   couraging and diminishing undesirable behav-  
 19                   iors.

20           (5) PROGRAM.—The term “program” means—

21                   (A) all of the operations of a local edu-  
 22                   cational agency, system of vocational education,  
 23                   or other school system; and

24                   (B) an elementary school or secondary  
 25                   school that is not a public school that enrolls a

1 student who receives special education and re-  
2 lated services under the Individuals with Dis-  
3 abilities Education Act (20 U.S.C. 1400 et  
4 seq.).

5 (6) PROGRAM PERSONNEL.—

6 (A) IN GENERAL.—The term “program  
7 personnel” means any agent of a program, in-  
8 cluding an individual who is employed by a pro-  
9 gram, or who performs services for a program  
10 on a contractual basis, including—

- 11 (i) school leaders;
- 12 (ii) teachers;
- 13 (iii) specialized instructional support  
14 personnel;
- 15 (iv) paraprofessionals; or
- 16 (v) other staff.

17 (B) EXCLUSION.—The term “program per-  
18 sonnel” shall not include a school resource offi-  
19 cer or a school security guard.

20 (7) PROTECTION AND ADVOCACY SYSTEM.—The  
21 term “protection and advocacy system” means a  
22 protection and advocacy system established under  
23 section 143 of the Developmental Disabilities Assist-  
24 ance and Bill of Rights Act of 2000 (42 U.S.C.  
25 15043).

1           (8) SCHOOL RESOURCE OFFICER.—The term  
2 “school resource officer” means a sworn law enforce-  
3 ment officer who—

4           (A) is assigned by the employing police de-  
5 partment to a program;

6           (B) is contracting with a program; or

7           (C) is employed by a program.

8           (9) SCHOOL SECURITY GUARD.—The term  
9 “school security guard” means a contractor or an  
10 employee of a program responsible for addressing  
11 one or more of the following safety and crime pre-  
12 vention activities with respect to a program:

13           (A) Assisting program personnel in safety  
14 incidents.

15           (B) Educating students in crime and ille-  
16 gal drug use prevention and safety.

17           (C) Developing or expanding community  
18 justice initiatives for students.

19           (D) Training students in conflict resolution  
20 and supporting restorative justice programs.

21           (E) Serving as a liaison between the pro-  
22 gram and outside agencies, including other law  
23 enforcement agencies.

24           (F) Screening students or visitors to the  
25 program for prohibited items.

1           (10) STUDENT.—The term “student” means an  
2 individual enrolled in a program.

3           **TITLE I—PROHIBITION OF**  
4           **CORPORAL PUNISHMENT**

5   **SEC. 101. PROHIBITION OF CORPORAL PUNISHMENT.**

6           (a) PROHIBITION.—No student shall be subjected to  
7 corporal punishment by program personnel, a school re-  
8 source officer, or a school security guard, while attending  
9 any program that receives Federal financial assistance.

10          (b) PRIVATE RIGHT OF ACTION.—A student who has  
11 been subjected to corporal punishment by program per-  
12 sonnel, a school resource officer, or a school security  
13 guard, in violation of subsection (a), or the parent of such  
14 student, may file a civil action in any Federal or State  
15 court of competent jurisdiction against the program under  
16 which the violation is alleged to have occurred for attor-  
17 neys’ fees, expert fees, injunctive relief, and compensatory  
18 damages.

19          (c) NONAPPLICABILITY.—Section 615(l) of the Indi-  
20 viduals with Disabilities Education Act (20 U.S.C.  
21 1415(l)) shall not apply to an action filed pursuant to sub-  
22 section (b), regardless of whether or not the student is  
23 seeking relief that is also available under the Individuals  
24 with Disabilities Education Act (20 U.S.C. 1400 et seq.).

1 **SEC. 102. CIVIL ACTIONS BY THE ATTORNEY GENERAL.**

2 Whenever the Attorney General receives a complaint  
3 in writing signed by a parent (including a legal guardian)  
4 or a group of parents (including legal guardians) to the  
5 effect that the minor children of such a parent or parents  
6 are being deprived by a program of the right to not be  
7 subject to corporal punishment by program personnel, a  
8 school resource officer, or a school security guard, and the  
9 Attorney General believes the complaint is meritorious, the  
10 Attorney General is authorized, after giving notice of such  
11 complaint to the appropriate program and after certifying  
12 that the Attorney General is satisfied that such program  
13 has had a reasonable time to adjust the conditions alleged  
14 in such complaint, to institute for or in the name of the  
15 United States a civil action in any appropriate district  
16 court of the United States against such parties and for  
17 such relief as may be appropriate, and such court shall  
18 have and shall exercise jurisdiction of proceedings insti-  
19 tuted pursuant to this section. The Attorney General may  
20 implead as defendants such additional parties as are or  
21 become necessary to the grant of effective relief hereunder.

22 **SEC. 103. ENFORCEMENT BY THE OFFICE FOR CIVIL**  
23 **RIGHTS.**

24 (a) REFERRAL TO OFFICE FOR CIVIL RIGHTS.—The  
25 Secretary shall refer any complaint alleging a violation of



1 section 101(a) to the Office for Civil Rights of the Depart-  
2 ment of Education for an investigation.

3 (b) PROCESS FOR REFERRAL.—Not later than 90  
4 days after the date of enactment of this Act, the Secretary  
5 shall develop and implement a procedure for receiving a  
6 complaint alleging a violation of section 101(a).

7 (c) FAILURE TO COMPLY.—In the event that a pro-  
8 gram has failed to comply with section 101(a), the Sec-  
9 retary shall carry out at least one of the following:

10 (1) Withhold from such program, in whole or in  
11 part, further payments (including payments for ad-  
12 ministrative costs) under an applicable program (as  
13 such term is defined in section 400(c) of the General  
14 Education Provisions Act (20 U.S.C. 1221(e))) in  
15 accordance with section 455 of such Act (20 U.S.C.  
16 1234d).

17 (2) Enter into a compliance agreement in ac-  
18 cordance with section 457 of the General Education  
19 Provisions Act (20 U.S.C. 1234f).

20 (3) Issue a complaint to compel compliance of  
21 such program through a cease and desist order, in  
22 the same manner the Secretary is authorized to take  
23 such action under section 456 of the General Edu-  
24 cation Provisions Act (20 U.S.C. 1234e).

1 (d) CESSATION OF WITHHOLDING OF FUNDS.—If  
2 the Secretary determines (whether by certification or other  
3 appropriate evidence) that a program that is subject to  
4 the withholding of payments under subsection (c)(1) has  
5 cured the failure providing the basis for the withholding  
6 of payments on a date that is within one year from the  
7 date on which such payments were first withheld, the Sec-  
8 retary shall—

9 (1) cease the withholding of payments with re-  
10 spect to that program under such subsection; and

11 (2) reimburse all the withheld payments under  
12 such subsection to such program.

13 (e) WITHHELD FUNDS.—The funds appropriated or  
14 made available for the payments that were withheld under  
15 subsection (c)(1) shall be available for expenditure to that  
16 program for not longer than one year from the date upon  
17 which the determination in subsection (d) was made.

18 (f) RULE OF CONSTRUCTION.—Nothing in this sec-  
19 tion shall be construed to limit the Secretary's authority  
20 under the General Education Provisions Act (20 U.S.C.  
21 1221 et seq.).

22 **SEC. 104. PARENT NOTIFICATION AND PROTECTION AND**  
23 **ADVOCACY SYSTEMS.**

24 (a) NOTIFICATION.—If a student is subject to cor-  
25 poral punishment committed by program personnel, a

1 school resource officer, or a school security guard, at a  
2 program that receives Federal financial assistance, the  
3 program serving such student shall notify, in writing, not  
4 later than 24 hours after such use of force occurs, the  
5 facts of such use of force to—

6 (1) the parent or parents of such student;

7 (2) the State educational agency; and

8 (3) the local law enforcement agency.

9 (b) NOTIFICATION FOR STUDENTS WITH DISABIL-  
10 ITIES.—In the case of a student described in subsection  
11 (a) who is an individual with a disability (as defined in  
12 section 3 of the Americans with Disabilities Act of 1990  
13 (42 U.S.C. 12102)) the program serving such student  
14 shall—

15 (1) in addition to the notification described in  
16 such subsection, notify, in writing, not later than 24  
17 hours after the use of force described in such sub-  
18 section occurs, the facts of such use of force to the  
19 relevant protection and advocacy system; and

20 (2) provide any information to the relevant pro-  
21 tection and advocacy system that the protection and  
22 advocacy system may require.

23 (c) RESTATEMENT OF AUTHORITY.—Protection and  
24 advocacy systems shall have the same authorities and  
25 rights provided under subtitle C of title I of the Develop-

1 mental Disabilities Assistance and Bill of Rights Act of  
2 2000 (42 U.S.C. 15041 et seq.) with respect to protections  
3 provided for students under this Act when such students  
4 are otherwise eligible to be clients of the protection and  
5 advocacy system, including investigating, monitoring, and  
6 enforcing such protections.

## 7 **TITLE II—STATE ACTIVITIES** 8 **AND GRANT PROGRAM**

### 9 **SEC. 201. STATE PLAN AND ENFORCEMENT.**

10 (a) STATE REQUIREMENTS.—Not later than 18  
11 months after the date of enactment of this Act, and every  
12 two years thereafter, each State educational agency that  
13 receives Federal financial assistance shall provide to the  
14 Secretary—

15 (1) a written assurance that—

16 (A) all programs located in such State  
17 have been notified of the requirements of this  
18 Act;

19 (B) all program personnel of such State  
20 educational agency have received training with  
21 respect to such requirements;

22 (C) parents of students served by such  
23 State educational agency have been notified of  
24 the requirements, rights, and remedies available  
25 under this Act; and

1 (D) the notification required under sub-  
2 paragraph (C) is publicly available on the  
3 website of the State educational agency; and

4 (2) a school climate report that includes a de-  
5 scription of—

6 (A) the policies and procedures of the  
7 State educational agency with respect exclu-  
8 sionary and aversive discipline practices or  
9 interventions in such schools;

10 (B) how the State educational agency  
11 plans to implement, is implementing, or has im-  
12 plemented positive behavioral interventions and  
13 supports and other models to address student  
14 behavior and reduce the use of exclusionary and  
15 aversive discipline practices or interventions in  
16 the public elementary schools and secondary  
17 schools of such State; and

18 (C) efforts of the State educational agency  
19 to ensure program personnel receive the sup-  
20 ports and training necessary to implement the  
21 interventions, supports, and other models de-  
22 scribed in subparagraph (B).

23 (b) LOCAL EDUCATIONAL AGENCY REQUIRE-  
24 MENTS.—Not later than one year after the date of enact-  
25 ment of this Act, and not less than once every two years

1 thereafter, each local educational agency shall submit to  
2 the State educational agency a report that includes the  
3 information the State educational agency determines nec-  
4 essary to comply with the requirements of subsection (a).

5 (c) REPORT.—Not later than two years after the date  
6 of enactment of this Act, and not less than once every  
7 two years thereafter, the Secretary shall—

8 (1) submit to the Committee on Education and  
9 Labor of the House of Representatives and the Com-  
10 mittee on Health, Education, Labor, and Pensions  
11 of the Senate a report summarizing the findings of  
12 the reports under subsection (a)(2); and

13 (2) make the reports described in paragraph (1)  
14 publicly available.

15 (d) ENFORCEMENT.—

16 (1) IN GENERAL.—

17 (A) USE OF REMEDIES.—If a State edu-  
18 cational agency fails to comply with subsection  
19 (a), the Secretary shall carry out at least one  
20 of the following:

21 (i) Withhold, in whole or in part, fur-  
22 ther payments under an applicable pro-  
23 gram (as such term is defined in section  
24 400(c) of the General Education Provi-  
25 sions Act (20 U.S.C. 1221(c))) in accord-

1                   ance with section 455 of such Act (20  
2                   U.S.C. 1234d).

3                   (ii) Enter into a compliance agree-  
4                   ment in accordance with section 457 of the  
5                   General Education Provisions Act (20  
6                   U.S.C. 1234f).

7                   (iii) Issue a complaint to compel com-  
8                   pliance of the State educational agency  
9                   through a cease and desist order, in the  
10                  same manner the Secretary is authorized  
11                  to take such action under section 456 of  
12                  the General Education Provisions Act (20  
13                  U.S.C. 1234e).

14                  (B) CESSATION OF WITHHOLDING OF  
15                  FUNDS.—If the Secretary determines (whether  
16                  by certification or other appropriate evidence)  
17                  that a State educational agency that is subject  
18                  to the withholding of payments under subpara-  
19                  graph (A)(i) has cured the failure providing the  
20                  basis for the withholding of payments within  
21                  one year from the date on which such payments  
22                  were first withheld, the Secretary shall—

23                         (i) cease the withholding of payments  
24                         with respect to the State educational agen-  
25                         cy under such subparagraph; and

1                   (ii) reimburse all the withheld pay-  
2                   ments under such subparagraph to such  
3                   State educational agency.

4                   (2) WITHHELD FUNDS.—The funds appro-  
5                   priated or made available for the payments that  
6                   were withheld under paragraph (1)(A)(i) shall be  
7                   available for expenditure to that program for not  
8                   longer than one year from the date upon which the  
9                   determination in paragraph (1)(B) was made.

10                  (3) RULE OF CONSTRUCTION.—Nothing in this  
11                  subsection shall be construed to limit the Secretary’s  
12                  authority under the General Education Provisions  
13                  Act (20 U.S.C. 1221 et seq.).

14 **SEC. 202. GRANT AUTHORITY.**

15                  (a) IN GENERAL.—From the amount appropriated  
16                  under section 306, the Secretary may award grants to  
17                  State educational agencies to improve school climate and  
18                  culture by implementing positive behavioral interventions  
19                  and supports and other models to address student behav-  
20                  ior and reduce the use of exclusionary and aversive dis-  
21                  cipline practices or interventions in public elementary  
22                  schools and secondary schools.

23                  (b) DURATION OF GRANT.—



1           (1) IN GENERAL.—A grant under this section  
2 shall be awarded to a State educational agency for  
3 a three-year period.

4           (2) REAPPLICATION.—At the end of a grant pe-  
5 riod described in paragraph (1), a State educational  
6 agency desiring a subsequent grant under this sec-  
7 tion may be eligible for such grant if such State edu-  
8 cational agency—

9                   (A) submits an application under sub-  
10 section (c); and

11                   (B) demonstrates—

12                           (i) that such State educational agency  
13 effectively used grant funds to carry out  
14 the required activities under subsection (e)  
15 during the previous grant period; and

16                           (ii) with respect to such State edu-  
17 cational agency, a decrease in at least one  
18 of the following:

19                                   (I) Exclusionary and aversive dis-  
20 cipline practices or interventions, in-  
21 cluding in-school suspensions, out-of-  
22 school suspensions, and expulsions.

23                                   (II) School-related arrests.

24                                   (III) Referrals of students to law  
25 enforcement.

1           (3) DATA.—A State educational agency shall,  
2 with respect to the data used under paragraph  
3 (2)(B)(ii)—

4           (A) cross-tabulate such data and  
5 disaggregate by race, gender, disability, and  
6 English learner; and

7           (B) redact all personally identifiable infor-  
8 mation from such data.

9 (c) APPLICATION.—

10          (1) IN GENERAL.—Each State educational  
11 agency desiring a grant under this section shall sub-  
12 mit an application to the Secretary at such time, in  
13 such manner, and accompanied by such information  
14 as the Secretary may require, including—

15          (A) information on how the State edu-  
16 cational agency will carry out the required ac-  
17 tivities specified in subsection (e);

18          (B) a description of how the State edu-  
19 cational agency will improve school climate and  
20 culture by reducing the use of exclusionary and  
21 aversive discipline practices or interventions;

22          (C) a description of how the State edu-  
23 cational agency will implement positive behav-  
24 ioral interventions and supports and other mod-  
25 els to address student behavior and reduce the

1 use of exclusionary and aversive discipline prac-  
2 tices or interventions; and

3 (D) a description of how the State edu-  
4 cational agency will develop and implement  
5 high-quality training for program personnel de-  
6 signed to improve school climate and culture  
7 and increase the use of positive behavioral  
8 interventions and supports and other models to  
9 address student behavior and reduce the use of  
10 exclusionary and aversive discipline practices or  
11 interventions.

12 (2) PRIORITY.—In awarding grants under this  
13 section, the Secretary shall give priority to State  
14 educational agencies—

15 (A) with a high percentage of in-school  
16 suspensions, out-of-school suspensions, expul-  
17 sions, school-related arrests, and referrals of  
18 students to law enforcement;

19 (B) that lack positive behavioral interven-  
20 tions and supports and other models to improve  
21 school climate and culture; or

22 (C) that are in most need of assistance re-  
23 lating to improving school climate and culture  
24 by reducing the use of exclusionary and aversive

1 discipline practices or interventions, as deter-  
2 mined by the Secretary.

3 (d) AUTHORITY TO MAKE SUBGRANTS.—

4 (1) IN GENERAL.—A State educational agency  
5 receiving a grant under this section may use such  
6 grant funds to award subgrants, on a competitive  
7 basis in accordance with subsection (e)(2), to local  
8 educational agencies.

9 (2) APPLICATION.—A local educational agency  
10 desiring to receive a subgrant under this section  
11 shall submit an application to the applicable State  
12 educational agency at such time, in such manner,  
13 and containing such information as the State edu-  
14 cational agency may require, including the informa-  
15 tion described in subparagraphs (A) through (D) of  
16 subsection (c)(1).

17 (e) REQUIRED ACTIVITIES.—

18 (1) IN GENERAL.—A State educational agency  
19 receiving a grant, or a local educational agency re-  
20 ceiving a subgrant, under this section shall use such  
21 grant or subgrant funds to carry out the following:

22 (A) Developing and implementing high-  
23 quality training for program personnel designed  
24 to—

25 (i) improve school climate and culture;

1 (ii) increase use of positive behavioral  
2 interventions and supports and other mod-  
3 els to address student behavior; and

4 (iii) reduce the use of exclusionary  
5 and aversive discipline practices or inter-  
6 ventions and the discriminatory and dis-  
7 proportionate impact such practices have  
8 on students based on their race, ethnicity,  
9 gender, or disability.

10 (B) Providing technical assistance to im-  
11 prove school climate and culture by imple-  
12 menting positive behavioral interventions and  
13 supports and other models to address student  
14 behavior and reduce the use of exclusionary and  
15 aversive discipline practices or interventions,  
16 such as restorative justice interventions, trau-  
17 ma-informed care, crisis and de-escalation inter-  
18 ventions, implicit bias training, and culturally  
19 responsive teaching.

20 (C) Researching, developing, implementing,  
21 and evaluating models, policies, and procedures  
22 to reduce the use of exclusionary and aversive  
23 discipline practices or interventions in public el-  
24 elementary and secondary schools.

1           (2) PRIORITY.—A State educational agency or  
2 local educational agency shall prioritize carrying out  
3 the activities specified in subparagraphs (A) through  
4 (C) of paragraph (1) in public elementary schools  
5 and secondary schools—

6           (A) in which a disproportionately high per-  
7 centage of students who have been subjected to  
8 disciplinary proceedings or have otherwise expe-  
9 rienced the application of such a school’s dis-  
10 cipline policies, practices, and procedures, rel-  
11 ative to such school’s total student population,  
12 are students of color or students with disabil-  
13 ities (as defined in section 602 of the Individ-  
14 uals with Disabilities Education Act (20 U.S.C.  
15 1401));

16           (B) with a high percentage of in-school  
17 suspensions, out-of-school suspensions, expul-  
18 sions, school-related arrests, and referrals of  
19 students to law enforcement;

20           (C) that lack positive behavioral interven-  
21 tions and supports and other models to improve  
22 school climate and culture; or

23           (D) that have demonstrated meaningful  
24 community engagement in selecting models to  
25 improve school climate and culture.

1 (f) EVALUATION AND REPORT.—

2 (1) LOCAL EDUCATIONAL AGENCY REPORTS.—

3 Each local educational agency receiving a subgrant  
4 under this section shall, at the end of the subgrant  
5 period for such subgrant, prepare and submit to the  
6 State educational agency a report that—

7 (A) evaluates the progress of the local edu-  
8 cational agency toward carrying out the re-  
9 quired activities under subsection (e); and

10 (B) includes any additional information the  
11 State educational agency determines necessary  
12 to complete the report required under para-  
13 graph (2).

14 (2) STATE EDUCATIONAL AGENCY REPORTS.—

15 Each State educational agency receiving a grant  
16 under this section shall, at the end of the three-year  
17 grant period for such grant, prepare and submit to  
18 the Secretary a report that—

19 (A) evaluates the State's progress toward  
20 carrying out the required activities under sub-  
21 section (e);

22 (B) includes data on the impact of the  
23 grant program on school climate and culture  
24 during such grant period, including, with re-

1           spect to the State educational agency, data on  
2           the prevalence of, and increase or decrease in—

3                   (i) exclusionary and aversive discipline  
4                   practices or interventions, including in-  
5                   school suspensions, out-of-school suspen-  
6                   sions, and expulsions;

7                   (ii) school-related arrests; and

8                   (iii) student referrals to law enforce-  
9                   ment;

10           (C) includes the number of high-quality  
11           school climate and culture trainings conducted  
12           for program personnel during such grant pe-  
13           riod;

14           (D) describes the models implemented to  
15           improve school climate and culture during such  
16           grant period;

17           (E) specifies the number of subgrants  
18           made under subsection (d) and the local edu-  
19           cational agencies that were awarded such sub-  
20           grants; and

21           (F) includes such information as the Sec-  
22           retary may require.

23           (3) DATA.—A State educational agency shall,  
24           with respect to the data described in paragraph  
25           (2)(B)—



1 (A) cross-tabulate and disaggregate the  
2 data in the same manner as under subsection  
3 (b)(3)(A); and

4 (B) redact all personally identifiable infor-  
5 mation from such data.

6 (4) PUBLICATION.—The Secretary shall make  
7 each report under paragraph (2) publicly available  
8 on the website of the Department.

9 (g) FUNDS AVAILABLE FOR THE DEPARTMENT OF  
10 THE INTERIOR.—From the amount appropriated under  
11 section 306, the Secretary shall allocate—

12 (1) 0.5 percent of such funds to the Secretary  
13 of the Interior for activities under this section with  
14 respect to schools operated or funded by the Depart-  
15 ment of the Interior, under such terms and condi-  
16 tions as the Secretary may prescribe; and

17 (2) 0.5 of such funds for activities under this  
18 section with respect to schools operated in the out-  
19 lying areas, under such terms and conditions as the  
20 Secretary may prescribe.

21 **TITLE III—ADDITIONAL**  
22 **PROVISIONS**

23 **SEC. 301. FEDERAL REGULATIONS.**

24 (a) IN GENERAL.—Not later than 180 days after the  
25 date of enactment of this Act, the Secretary shall issue

1 such regulations as are necessary to reasonably ensure  
2 compliance with this Act.

3 (b) NEGOTIATED RULEMAKING PROCESS.—In car-  
4 rying out subsection (a), the Secretary shall use a nego-  
5 tiated rulemaking process described in section 1601 and  
6 section 1602 of the Elementary and Secondary Education  
7 Act of 1965 (20 U.S.C. 6571; 6572) except subparagraph  
8 (A) of subsection (b)(3) of such section 1601 shall apply  
9 by substituting “establish a negotiated rulemaking proc-  
10 ess;” for the text of such subparagraph.

11 **SEC. 302. OTHER SCHOOLS.**

12 (a) DEPARTMENT OF DEFENSE.—The Secretary of  
13 Defense shall ensure that schools operated or funded by  
14 the Department of Defense Education Activity or other-  
15 wise operated or funded by the Department of Defense  
16 for the education of military-connected dependents comply  
17 with the regulations promulgated by the Secretary pursu-  
18 ant to this Act.

19 (b) DEPARTMENT OF THE INTERIOR.—The Secretary  
20 of the Interior shall ensure that schools operated or fund-  
21 ed by the Department of the Interior comply with the reg-  
22 ulations promulgated by the Secretary pursuant to this  
23 Act.

1 **SEC. 303. LIMITATION OF AUTHORITY.**

2 (a) IN GENERAL.—Nothing in this Act shall be con-  
3 strued—

4 (1) to restrict or limit, or allow the Secretary  
5 to restrict or limit, any other rights or remedies oth-  
6 erwise available to students or parents under Fed-  
7 eral, State, or local law or regulation; or

8 (2) to restrict or limit Federal, State, or local  
9 laws, regulations, or polices that provide for more  
10 stringent prohibitions or limitations on the use of  
11 corporal punishment than the prohibitions or limita-  
12 tions that are provided for in this Act.

13 (b) LAW ENFORCEMENT OFFICER DUTIES.—Noth-  
14 ing in this Act shall be construed to prevent a sworn law  
15 enforcement officer from carrying out the duties of the  
16 officer under otherwise applicable law.

17 (c) RULE OF CONSTRUCTION ON DATA COLLEC-  
18 TION.—Nothing in this Act shall be construed to affect  
19 the collection of information or data authorized under the  
20 statutes and regulations implementing title VI of the Civil  
21 Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX  
22 of the Education Amendments of 1972 (20 U.S.C. 1681  
23 et seq.), section 504 of the Rehabilitation Act of 1973 (29  
24 U.S.C. 794 et seq.), or the Department of Education Or-  
25 ganization Act (20 U.S.C. 3401 et seq.).

1 **SEC. 304. APPLICABILITY.**

2 (a) PRIVATE SCHOOLS.—Nothing in this Act shall be  
3 construed to affect any private school that does not receive  
4 Federal financial assistance.

5 (b) HOME SCHOOLS.—Nothing in this Act shall be  
6 construed to—

7 (1) affect a home school, whether or not a home  
8 school is treated as a private school or home school  
9 under State law; or

10 (2) consider parents who are schooling a child  
11 at home as program personnel.

12 **SEC. 305. SEVERABILITY.**

13 If any provision of this Act or the application of such  
14 provision to any person or circumstance is held to be un-  
15 constitutional, the remaining provisions of this Act and  
16 the application of such provisions to any person or cir-  
17 cumstance shall not be affected thereby.

18 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

19 There are authorized to be appropriated such sums  
20 as may be necessary to carry out this Act for fiscal year  
21 2021 and each fiscal year thereafter.

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