

117TH CONGRESS  
1ST SESSION

# H. R. 2248

To reduce exclusionary discipline practices in schools, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2021

Ms. PRESSLEY (for herself, Mrs. WATSON COLEMAN, Ms. OMAR, Mrs. BEATTY, Ms. LEE of California, Mr. HASTINGS, and Ms. CLARKE of New York) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To reduce exclusionary discipline practices 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.**

4 This Act may be cited as the “Ending Punitive, Un-  
5 fair, School-based Harm that is Overt and Unresponsive  
6 to Trauma Act of 2021” or the “Ending PUSHOUT Act  
7 of 2021”.

8 **SEC. 2. PURPOSE.**

9 It is the purpose of this Act to—

1           (1) strengthen data collection related to exclu-  
2           sionary discipline practices in schools and the dis-  
3           criminatory application of such practices, which dis-  
4           proportionately impacts students of color, particu-  
5           larly girls of color;

6           (2) eliminate the discriminatory use and over-  
7           use of exclusionary discipline practices based on ac-  
8           tual or perceived race, ethnicity, color, national ori-  
9           gin, sex (including sexual orientation, gender iden-  
10          tity, pregnancy, childbirth, a medical condition re-  
11          lated to pregnancy or childbirth, or other stereotype  
12          related to sex), or disability; and

13          (3) prevent the criminalization and pushout of  
14          students from school, especially Black and brown  
15          girls, as a result of educational barriers that include  
16          discrimination, adultification, punitive discipline poli-  
17          cies and practices, and a failure to recognize and  
18          support students with mental health needs or experi-  
19          encing trauma.

20 **SEC. 3. STRENGTHENING CIVIL RIGHTS DATA COLLECTION**  
21                                   **WITH RESPECT TO EXCLUSIONARY DIS-**  
22                                   **CIPLINE IN SCHOOLS.**

23          (a) IN GENERAL.—The Assistant Secretary for Civil  
24 Rights shall annually carry out data collection authorized  
25 under section 203(c)(1) of the Department of Education

1 Organization Act (20 U.S.C. 3413(c)(1)), which shall in-  
2 clude data with respect to students enrolled in a public  
3 preschool, elementary, or secondary school (including tra-  
4 ditional public, charter, virtual, special education school,  
5 and alternative schools) who received the following dis-  
6 ciplinary actions during the preceding school year:

7 (1) Suspension (including the classification of  
8 the suspension as in-school suspension or out-of-  
9 school suspension), which shall include data with re-  
10 spect to—

11 (A) the number of students who were sus-  
12 pended;

13 (B) the number and length of suspensions  
14 each such student received;

15 (C) the reason for each such suspension,  
16 including—

17 (i) a violation of a zero-tolerance pol-  
18 icy and whether such violation was due to  
19 a violent or nonviolent offense;

20 (ii) a violation of an appearance or  
21 grooming policy;

22 (iii) an act of insubordination;

23 (iv) willful defiance; and

24 (v) a violation of a school code of con-  
25 duct; and

1 (D) the number of days of lost instruction  
2 due to each out-of-school suspension.

3 (2) Expulsion, which shall include data with re-  
4 spect to—

5 (A) the number of students who were ex-  
6 pelled; and

7 (B) the reason for each such expulsion, in-  
8 cluding—

9 (i) a violation of a zero-tolerance pol-  
10 icy and whether such violation was due to  
11 a violent or nonviolent offense;

12 (ii) a violation of an appearance or  
13 grooming policy;

14 (iii) an act of insubordination, willful  
15 defiance, or violation of a school code of  
16 conduct; and

17 (iv) the use of profane or vulgar lan-  
18 guage.

19 (3) The number of students subject to an out-  
20 of-school transfer to a different school, including a  
21 virtual school, and if so, the primary reason for each  
22 such transfer.

23 (4) The number of students subject to a refer-  
24 ral to law enforcement, including the primary reason

1 for each such referral, and whether such referral re-  
2 sulted in an arrest.

3 (b) REPORT.—

4 (1) IN GENERAL.—Not later than one year  
5 after the date of the enactment of this Act, and an-  
6 nually thereafter, the Assistant Secretary for Civil  
7 Rights shall submit to Congress a report on the data  
8 collected under subsection (a).

9 (2) REQUIREMENTS.—The report required  
10 under paragraph (1) shall—

11 (A) identify, with respect to the data col-  
12 lected under subsection (a), schools, local edu-  
13 cational agencies, and States that demonstrate,  
14 in the opinion of the Secretary, the overuse and  
15 discriminatory use of exclusionary disciplinary  
16 practices;

17 (B) be disaggregated and cross tabulated  
18 by—

19 (i) enrollment in a preschool or in an  
20 elementary school and secondary school by  
21 grade level;

22 (ii) race;

23 (iii) ethnicity;

- 1 (iv) sex (including, to the extent possible,  
2 sexual orientation and gender identity);  
3
- 4 (v) low-income status;
- 5 (vi) disability status (including students  
6 eligible for disability under the Individuals  
7 with Disabilities Education Act (20  
8 U.S.C. 1401 et. seq.) or section 504 of the  
9 Rehabilitation Act of 1973 (29 U.S.C.  
10 794));
- 11 (vii) English learner status;
- 12 (viii) Tribal citizenship or descent, in  
13 the first or second degree, of an Indian  
14 Tribe; and
- 15 (ix) if applicable, pregnant and parenting  
16 student status;
- 17 (C) be publicly accessible in multiple languages,  
18 accessibility formats, and provided in a  
19 language that parents, family, and community  
20 members can understand; and
- 21 (D) be presented in a manner that protects  
22 the privacy of individuals consistent with the  
23 requirements of section 444 of the General Education  
24 Provisions Act (20 U.S.C. 1232g), com-

1           monly known as the “Family Educational  
2           Rights and Privacy Act of 1974”.

3 **SEC. 4. GRANTS TO REDUCE EXCLUSIONARY SCHOOL DIS-**  
4 **CIPLINE PRACTICES.**

5           (a) **IN GENERAL.**—The Secretary shall award grants  
6 (which shall be known as the “Healing School Climate  
7 Grants”), on a competitive basis, to eligible entities for  
8 the purpose of reducing the overuse and discriminatory  
9 use of exclusionary discipline practices in schools.

10          (b) **APPLICATION.**—An eligible entity seeking a grant  
11 under this section shall submit an application to the Sec-  
12 retary at such time, in such manner, and containing such  
13 information as the Secretary may require, including an as-  
14 surance that the eligible entity shall prioritize schools with  
15 the highest rates of suspensions and expulsions. The Sec-  
16 retary shall make applications publicly accessible in an ap-  
17 propriate digital format.

18          (c) **PROGRAM REQUIREMENT.**—An eligible entity  
19 that receives a grant under subsection (a) shall prohibit  
20 the use of—

21           (1) out-of-school suspension or expulsion for  
22           any student in preschool through grade 5 for inci-  
23           dents that do not involve serious bodily injury;

24           (2) out-of-school suspension or expulsion for  
25           any student in preschool through grade 12 for insub-

1 ordination, willful defiance, vulgarity, truancy, tardi-  
2 ness, chronic absenteeism, or as a result of a viola-  
3 tion of a grooming or appearance policy;

4 (3) corporal punishment;

5 (4) seclusion;

6 (5) a mechanical or chemical restraint on a stu-  
7 dent; or

8 (6) a physical restraint on a student, except  
9 when—

10 (A) the behavior of a student poses a high  
11 risk of serious bodily injury to the student or  
12 another individual and less restrictive interven-  
13 tions would be ineffective in addressing such a  
14 high risk;

15 (B) a limited amount of force is used to  
16 protect the student or another individual from  
17 an injury and such ends immediately upon the  
18 cessation of the imminent danger of serious  
19 bodily injury to the student or another indi-  
20 vidual;

21 (C) the physical restraint does not restrict  
22 breathing or the flow of blood to the brain, in-  
23 cluding restraining in the prone or supine posi-  
24 tion;



1 (D) the physical restraint does not inter-  
2 fere with the ability of a student to commu-  
3 nicate in the language or other mode of commu-  
4 nication primarily used by such student;

5 (E) the physical restraint is imposed—

6 (i) by personnel who are trained and  
7 certified by a State in crisis intervention;

8 or

9 (ii) when personnel described in clause  
10 (i) are not available, in the case of a rare  
11 and unforeseeable emergency; or

12 (F) the physical restraint does not affect  
13 or interfere with, with respect to a student, a  
14 disability, health care needs, or a medical or  
15 psychiatric condition documented in a—

16 (i) health care directive or medical  
17 management plan;

18 (ii) a behavior intervention plan;

19 (iii) an individualized education pro-  
20 gram or an individualized family service  
21 plan (as defined in section 602 of the Indi-  
22 viduals with Disabilities Education Act (20  
23 U.S.C. 1401)); or

1 (iv) another relevant record made  
2 available to the State or eligible entity in-  
3 volved.

4 (d) USE OF FUNDS.—

5 (1) REQUIRED USES.—An eligible entity that  
6 receives a grant under this section shall use funds  
7 to—

8 (A) evaluate the current discipline policies  
9 of a school and, in partnership with students  
10 (including girls of color), the family members of  
11 students, and the local community of such  
12 school, develop discipline policies for such school  
13 to ensure that such policies are not exclusionary  
14 or discriminately applied toward students;

15 (B) provide training and professional de-  
16 velopment for teachers, principals, school lead-  
17 ers, and other school personnel to avoid or ad-  
18 dress the overuse and discriminatory dispropor-  
19 tionate use of exclusionary discipline practices  
20 in schools and to create awareness of implicit  
21 and explicit bias and use culturally affirming  
22 practices, including training in—

23 (i) identifying and providing support  
24 to students who may have experienced or

1 are at risk of experiencing trauma or have  
2 other mental health needs;

3 (ii) administering and responding to  
4 assessments on adverse childhood experi-  
5 ences;

6 (iii) providing student-centered, trau-  
7 ma-informed positive behavior management  
8 intervention and support that creates safe  
9 and supportive school climates;

10 (iv) using restorative practices;

11 (v) using culturally and linguistically  
12 responsive intervention strategies;

13 (vi) developing social and emotional  
14 learning competencies; and

15 (vii) increasing student engagement  
16 and improving dialogue between students  
17 and teachers;

18 (C) implement evidence-based alternatives  
19 to suspension or expulsion, including—

20 (i) multi-tier systems of support, such  
21 as schoolwide positive behavioral interven-  
22 tions and supports;

23 (ii) social, emotional, and academic  
24 learning strategies designed to engage stu-  
25 dents and avoid escalating conflicts; and

1 (iii) other data-driven approaches to  
2 improving school environments;

3 (D) improve behavioral and academic out-  
4 comes for students by creating a safe and sup-  
5 portive learning environment and school cli-  
6 mate, which may include—

7 (i) restorative practices with respect  
8 to improving relationships among students,  
9 school officials, and members of the local  
10 community, which may include partnering  
11 with local mental health agencies or non-  
12 profit organizations;

13 (ii) access to mentors and peer-based  
14 support programs;

15 (iii) extracurricular programs, includ-  
16 ing sports and art programs;

17 (iv) social and emotional learning  
18 strategies designed to engage students and  
19 avoid escalating conflicts;

20 (v) access to counseling, mental health  
21 programs, and trauma-informed care pro-  
22 grams, including suicide prevention pro-  
23 grams; and

24 (vi) access to culturally responsive  
25 curricula that affirms the history and con-

1           tributions of traditionally marginalized  
2           people and communities;

3           (E) hire social workers, school counselors,  
4           trauma-informed care personnel, and other  
5           mental health personnel; and

6           (F) support the development, delivery, and  
7           analysis of school climate surveys.

8           (2) PROHIBITED USES.—An eligible entity that  
9           receives a grant under this section may not use  
10          funds to—

11           (A) hire or retain school-based law enforce-  
12           ment personnel, including school resource offi-  
13           cers;

14           (B) purchase, maintain, or install surveil-  
15           lance equipment, including metal detectors or  
16           software programs that monitor or mine the so-  
17           cial media use or technology use of students;

18           (C) arm teachers, principals, school lead-  
19           ers, or other school personnel; and

20           (D) enter into formal or informal partner-  
21           ships or data and information sharing agree-  
22           ments with—

23           (i) the Secretary of Homeland Secu-  
24           rity, including agreements with U.S. Immi-

1                   gration and Customs Enforcement or U.S.  
2                   Customs and Border Protection; or

3                   (ii) local law enforcement agencies, in-  
4                   cluding partnerships that allow for hiring  
5                   of school-based law enforcement.

6           (e) TECHNICAL ASSISTANCE.—The Secretary, in car-  
7   rying out subsection (a), may reserve not more than 2 per-  
8   cent of funds to provide technical assistance to eligible en-  
9   tities, which may include—

10           (1) support for data collection, compliance, and  
11           analysis of the activities of the program authorized  
12           under subsection (a); and

13           (2) informational meetings and seminars with  
14           respect to the application process under subsection  
15           (b).

16           (f) REPORT BY GRANTEES.—Not later than one year  
17   after the date of enactment of this section, an eligible enti-  
18   ty receiving a grant under this section shall submit to the  
19   Secretary a report on the activities funded through the  
20   grant. The Secretary shall make each such report publicly  
21   accessible in an appropriate digital format. Such report  
22   shall include, at a minimum, a description of—

23           (1) the evaluation methods of disciplinary prac-  
24           tices prior to the grant;

1           (2) training and professional development serv-  
2           ices provided for school personnel to address dis-  
3           criminatory discipline practices, implicit and explicit  
4           bias, and other uses described in subsection (d)(1);

5           (3) aggregated and de-identified behavioral, so-  
6           cial emotional, and academic outcomes experience by  
7           students;

8           (4) any instance of physical restraint used on a  
9           student with an explanation of a circumstance de-  
10          scribed in subsection (c)(6);

11          (5) the number of students who were referred  
12          to some form of alternative practice described in  
13          subsection (d)(1)(C);

14          (6) disaggregated data on students suspended,  
15          expelled, and referred to the juvenile or criminal  
16          legal system, cross tabulated by—

17                 (A) reason for disciplinary action;

18                 (B) grade level;

19                 (C) race;

20                 (D) ethnicity;

21                 (E) sex (including to the extent possible,  
22                 sexual orientation and gender identity);

23                 (F) low-income status;

24                 (G) disability status;

25                 (H) English learner status;

1 (I) Tribal citizenship or descent, in the  
2 first or second degree, of an Indian Tribe; and

3 (J) if applicable, pregnant and parenting  
4 student status; and

5 (7) any other information required by the Sec-  
6 retary.

7 (g) ELIGIBLE ENTITIES.—In this section, the term  
8 “eligible entity” means—

9 (1) one or more local educational agencies (who  
10 may be partnered with a State educational agency),  
11 including a public charter school that is a local edu-  
12 cational agency under State law or local educational  
13 agency operated by the Bureau of Indian Education;  
14 or

15 (2) a nonprofit organization (defined as an or-  
16 ganization described in section 501(c)(3) of the In-  
17 ternal Revenue Code, which is exempt from taxation  
18 under section 501(a) of such Code) with a track  
19 record of success in improving school climates and  
20 supporting students.

21 **SEC. 5. JOINT TASK FORCE TO END SCHOOL PUSHOUT OF**  
22 **GIRLS OF COLOR.**

23 (a) ESTABLISHMENT.—The Secretary and the Sec-  
24 retary of Health and Human Services shall establish and



1 operate a joint task force to end school pushout (in this  
2 section referred to as the “Joint Task Force”).

3 (b) COMPOSITION.—

4 (1) CHAIRS.—The Secretary and the Secretary  
5 of Health and Human Services shall chair the Joint  
6 Task Force.

7 (2) MEMBERS.—The Joint Task Force shall be  
8 composed of—

9 (A) Native American girls;

10 (B) students, including Black and brown  
11 girls;

12 (C) teachers;

13 (D) parents with children in school;

14 (E) school officials;

15 (F) representatives from civil rights and  
16 disability organizations;

17 (G) psychologists, social workers, trauma-  
18 informed personnel, and other mental health  
19 professionals; and

20 (H) researchers with experience in behav-  
21 ioral intervention.

22 (3) ADVISORY MEMBERS.—In addition to the  
23 members under paragraph (2), the Assistant Attor-  
24 ney General of the Civil Rights Division of the De-  
25 partment of Justice and the Director of the Bureau

1 of Indian Education shall be advisory members of  
2 the Joint Task Force.

3 (4) MEMBER APPOINTMENT.—Not later than  
4 60 days after the date of the enactment of this Act,  
5 the Secretary and the Secretary of Health and  
6 Human Services shall appoint the members of the  
7 Joint Task Force—

8 (A) in accordance with paragraph (2);

9 (B) using a competitive application proc-  
10 ess; and

11 (C) with consideration to the racial, ethnic,  
12 gender, and geographic diversity of the Joint  
13 Task Force.

14 (c) STUDY AND RECOMMENDATIONS.—The Joint  
15 Task Force shall—

16 (1) conduct a study to—

17 (A) identify best practices for reducing the  
18 overuse and discriminatory use of exclusionary  
19 discipline practices; and

20 (B) determine to what extent exclusionary  
21 discipline practices contribute to the criminal-  
22 ization of—

23 (i) girls of color;

24 (ii) English learners;

25 (iii) Native American girls;

1 (iv) students who identify as lesbian,  
2 gay, bisexual, transgender, queer, or ques-  
3 tioning; and

4 (v) students with disabilities; and

5 (2) develop recommendations based on the  
6 study conducted under paragraph (1).

7 (d) REPORT.—Not later than 360 days after the date  
8 of the enactment of this Act, and biannually thereafter,  
9 the Secretary and the Secretary of Health and Human  
10 Services shall submit to Congress a report on the rec-  
11 ommendations under subsection (c)(2).

12 **SEC. 6. AUTHORIZATION OF APPROPRIATION.**

13 (a) IN GENERAL.—There is authorized to be appro-  
14 priated \$500,000,000 for each of fiscal years 2022  
15 through 2026 to carry out sections 4 and 5.

16 (b) ADDITIONAL FUNDING TO THE OFFICE FOR  
17 CIVIL RIGHTS.—There is authorized to be appropriated  
18 \$500,000,000 for fiscal year 2022 through 2026, and each  
19 fiscal year thereafter, to carry out section 3.

20 **SEC. 7. DEFINITIONS.**

21 In this Act:

22 (1) ACT OF INSUBORDINATION.—The term “act  
23 of insubordination” means an act that disrupts a  
24 school activity or instance when a student willfully  
25 defies the valid authority of a school official.

1           (2) APPEARANCE OR GROOMING POLICY.—The  
2 term “appearance or grooming policy” means any  
3 practice, policy, or portion of a student conduct code  
4 that governs or restricts the appearance of students,  
5 including policies that—

6           (A) restrict or prescribe clothing that a  
7 student may wear (such as hijabs, headwraps,  
8 or bandanas);

9           (B) restrict specific hair styles (such as  
10 braids, locks, twists, bantu knots, cornrows, ex-  
11 tensions, or afros); or

12           (C) restrict whether or how a student may  
13 apply make-up, nail polish, or other cosmetics.

14           (3) CHEMICAL RESTRAINT.—The term “chem-  
15 ical restraint” means a drug or medication used on  
16 a student to control behavior or restrict freedom of  
17 movement that is not—

18           (A) prescribed by a licensed physician, or  
19 other qualified health professional acting under  
20 the scope of the professional’s authority under  
21 State law, for the standard treatment of a stu-  
22 dent’s medical or psychiatric condition; and

23           (B) administered as prescribed by a li-  
24 censed physician or other qualified health pro-

1           fessional acting under the scope of the author-  
2           ity of a health professional under State law.

3           (4) DIRECT SUPERVISION.—The term “direct  
4           supervision” means a student is physically in the  
5           same location as a school official and such student  
6           is under the care of the school official or school.

7           (5) DISABILITY.—The term “disability” means  
8           a mental or physical disability that meets the condi-  
9           tions set forth in clauses (i) and (ii) of section  
10          602(3)(A) of the Individuals with Disabilities Edu-  
11          cation Act (20 U.S.C. 1401(3)(A)(i) and (ii)).

12          (6) ELEMENTARY AND SECONDARY EDUCATION  
13          ACT TERMS.—The terms “elementary school”,  
14          “English learner”, “local educational agency”, “sec-  
15          ondary school”, and “State educational agency” has  
16          the meanings given such terms in section 8101 of  
17          the Elementary and Secondary Education Act of  
18          1965 (20 U.S.C. 7801).

19          (7) GENDER IDENTITY.—The term “gender  
20          identity” means the gender-related identity, appear-  
21          ance, mannerisms, or other gender-related character-  
22          istics of an individual regardless of the designated  
23          sex at birth of the individual.

24          (8) INDIAN TRIBE.—The term “Indian Tribe”  
25          has the meaning given the term in section 4(e) of

1 the Indian Self-Determination and Education Assist-  
2 ance Act (25 U.S.C. 5304(e)).

3 (9) IN-SCHOOL SUSPENSION.—The term “in-  
4 school suspension” means an instance in which a  
5 student is temporarily removed from a regular class-  
6 room for at least half a day but remains under the  
7 direct supervision of a school official.

8 (10) MECHANICAL RESTRAINT.—The term  
9 “mechanical restraint” has the meaning given the  
10 term in section 595(d)(1) of the Public Health Serv-  
11 ice Act (42 U.S.C. 290jj(d)(1)), except that the  
12 meaning shall be applied by substituting “student”  
13 for “resident”.

14 (11) MULTI-TIER SYSTEM OF SUPPORTS.—The  
15 term “multi-tier system of supports” means a com-  
16 prehensive continuum of evidence-based, systemic  
17 practices to support a rapid response to the needs of  
18 students, with regular observation to facilitate data-  
19 based instructional decision making.

20 (12) OUT-OF-SCHOOL SUSPENSION.—The term  
21 “out-of-school suspension” means an instance in  
22 which a student is excluded from school for discipli-  
23 nary reasons by temporarily being removed from  
24 regular classes to another setting, including a home  
25 or behavior center, regardless of whether such dis-

1       disciplinary removal is deemed as a suspension by  
2       school officials.

3               (13) PHYSICAL ESCORT.—The term “physical  
4       escort” has the meaning given the term in section  
5       595(d)(2) of the Public Health Service Act (42  
6       U.S.C. 290jj(d)(2)), except that the meaning shall  
7       be applied by substituting “student” for “resident”.

8               (14) PHYSICAL RESTRAINT.—The term “phys-  
9       ical restraint” means a personal restriction that im-  
10       mobilizes or reduces the ability of an individual to  
11       move the individual’s arms, legs, torso, or head free-  
12       ly, except that such term does not include a physical  
13       escort, mechanical restraint, or chemical restraint.

14              (15) POSITIVE BEHAVIOR INTERVENTION AND  
15       SUPPORT.—The term “positive behavior intervention  
16       and support” means using a systematic and evi-  
17       dence-based approach to achieve improved academic  
18       and social outcomes for students.

19              (16) PUSHOUT.—The term “pushout” means  
20       an instance when a student leaves elementary, mid-  
21       dle or secondary school, including a forced transfer  
22       to another school, prior to graduating secondary  
23       school due to overuse of exclusionary discipline prac-  
24       tices, failure to address trauma or other mental  
25       health needs, discrimination, or other educational

1 barriers that do not support or promote the success  
2 of a student.

3 (17) SCHOOL-BASED LAW ENFORCEMENT OFFI-  
4 CER.—The term “school-based law enforcement offi-  
5 cer” means an individual who—

6 (A) is—

7 (i) assigned by a law enforcement  
8 agency to a secondary or elementary school  
9 or local educational agency;

10 (ii) contracting with a secondary or el-  
11 ementary school or local educational agen-  
12 cy; or

13 (iii) employed by a secondary or ele-  
14 mentary school or local educational agency;

15 (B) has the power to detain, arrest, issue  
16 a citation, perform a custodial investigation, or  
17 refer a person to a criminal or juvenile court;

18 (C) meets the definition of a law enforce-  
19 ment personnel under State law; or

20 (D) may be referred to as a “school re-  
21 source officer”, a “sworn law enforcement offi-  
22 cer”, or a “school police officer”.

23 (18) SCHOOL OFFICIAL.—The term “school of-  
24 ficial” means a teacher, school principal, adminis-  
25 trator, or other personnel, not considered school-



1 based law enforcement, engaged in the performance  
2 of duties with respect to a school.

3 (19) SECLUSION.—The term “seclusion” means  
4 the involuntary confinement of a student alone in a  
5 room or area where the student is physically pre-  
6 vented from leaving, and does not include a time  
7 out.

8 (20) SECRETARY.—The term “Secretary”  
9 means the Secretary of Education.

10 (21) SERIOUS BODILY INJURY.—The term “se-  
11 rious bodily injury” has the meaning given that term  
12 in section 1365(h)(3) of title 18, United States  
13 Code.

14 (22) SEXUAL ORIENTATION.—The term “sexual  
15 orientation” means homosexuality, heterosexuality,  
16 or bisexuality.

17 (23) SPECIAL EDUCATION SCHOOL.—The term  
18 “special education school” means a school that fo-  
19 cuses primarily on serving the needs of students who  
20 qualify as “a child with a disability” as that term  
21 is defined under section 602(3)(A)(i) of the Individ-  
22 uals with Disabilities Education Act (20 U.S.C.  
23 1401(3)(A)(i)) or are subject to section 504 of the  
24 Rehabilitation Act of 1973 (29 U.S.C. 794).

1           (24) TIME OUT.—The term “time out” has the  
2 meaning given the term in section 595(d)(5) of the  
3 Public Health Service Act (42 U.S.C. 290jj(d)(5)),  
4 except that the meaning shall be applied by sub-  
5 stituting “student” for “resident”.

6           (25) ZERO-TOLERANCE POLICY.—The term  
7 “zero-tolerance policy” is a school discipline policy  
8 that results in an automatic disciplinary con-  
9 sequence, including out-of-school suspension, expul-  
10 sion, and involuntary school transfer.

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