

117TH CONGRESS  
1ST SESSION

# S. 2029

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

---

IN THE SENATE OF THE UNITED STATES

JUNE 10, 2021

Mr. MURPHY (for himself, Mr. VAN HOLLEN, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

## 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 2021”.

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 to private schools and home schools.  
 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 (including models  
 15 such as restorative justice interventions, trauma-in-  
 16 formed care, multi-tiered system of supports, crisis  
 17 and de-escalation interventions, implicit bias train-  
 18 ing, and culturally responsive teaching), to address

1 student behavior and work to eliminate the use of  
2 exclusionary and aversive discipline practices or  
3 interventions;

4 (4) ensure all program personnel have the sup-  
5 ports and training necessary to implement positive  
6 behavioral interventions and supports and other  
7 models to address student behavior and improve  
8 school climate and culture; and

9 (5) collect and analyze data on exclusionary and  
10 aversive discipline practices or interventions in  
11 schools.

12 **SEC. 3. DEFINITIONS.**

13 In this Act:

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

23 (2) **ESEA TERMS.**—The terms “elementary  
24 school”, “evidence-based”, “local educational agen-  
25 cy”, “outlying area”, “parent”, “secondary school”,

1 “Secretary”, “State”, and “State educational agen-  
2 cy” have the meanings given the terms in section  
3 8101 of the Elementary and Secondary Education  
4 Act of 1965 (20 U.S.C. 7801).

5 (3) EXCLUSIONARY DISCIPLINE.—The term  
6 “exclusionary discipline” means any type of discipli-  
7 nary action that removes or excludes a student from  
8 the student’s usual educational setting, or from ac-  
9 cess to education services, including such discipli-  
10 nary actions as in-school suspensions, out-of-school  
11 suspensions, expulsions, or any other removal, how-  
12 ever labeled, that results in lost instructional time  
13 for the student.

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

17 (5) POSITIVE BEHAVIORAL INTERVENTIONS  
18 AND SUPPORTS.—The term “positive behavioral  
19 interventions and supports”—

20 (A) means a schoolwide, systematic ap-  
21 proach that embeds evidence-based practices  
22 and data-driven decision making to improve  
23 school climate and culture in order to achieve  
24 improved academic and social outcomes and in-  
25 crease learning for all students (including stu-

1 dents with the most complex and intensive be-  
2 havioral needs); and

3 (B) encompasses a range of systemic and  
4 individualized positive strategies to teach and  
5 reinforce school-expected behaviors, while dis-  
6 couraging and diminishing undesirable behav-  
7 iors.

8 (6) PROGRAM.—The term “program” means—

9 (A) all of the operations of a local edu-  
10 cational agency, system of vocational education,  
11 or other school system;

12 (B) a program that serves children who re-  
13 ceive services for which financial assistance is  
14 provided in accordance with the Head Start Act  
15 (42 U.S.C. 9831 et seq.); or

16 (C) an elementary school or secondary  
17 school that is not a public school that enrolls a  
18 student who receives special education and re-  
19 lated services under the Individuals with Dis-  
20 abilities Education Act (20 U.S.C. 1400 et  
21 seq.).

22 (7) PROGRAM PERSONNEL.—

23 (A) IN GENERAL.—Subject to subpara-  
24 graph (B), the term “program personnel”  
25 means any agent of a program, including an in-

1           dividual who is employed by a program, or who  
2           performs services for a program on a contrac-  
3           tual basis, including—

4                   (i) school leaders;

5                   (ii) teachers;

6                   (iii) specialized instructional support  
7           personnel;

8                   (iv) paraprofessionals; or

9                   (v) other staff.

10           (B) EXCLUSION.—Notwithstanding sub-  
11           paragraph (A), program personnel shall not in-  
12           clude a law enforcement officer or a school se-  
13           curity guard.

14           (8) PROTECTION AND ADVOCACY SYSTEM.—The  
15           term “protection and advocacy system” means a  
16           protection and advocacy system established under  
17           section 143 of the Developmental Disabilities Assist-  
18           ance and Bill of Rights Act of 2000 (42 U.S.C.  
19           15043).

20           (9) LAW ENFORCEMENT OFFICER.—The term  
21           “law enforcement officer”—

22                   (A) means any person who—

23                           (i) is a State, Tribal, or local law en-  
24                           forcement officer (as defined in section  
25                           1204 of title I of the Omnibus Crime Con-

1 trol and Safe Streets Act of 1968 (34  
2 U.S.C. 10284)); and

3 (ii) is assigned by the employing law  
4 enforcement agency to a program, who is  
5 contracting with a program, or who is em-  
6 ployed by a program; and

7 (B) includes an individual referred to as a  
8 “school resource officer” if that individual  
9 meets the definition in subparagraph (A).

10 (10) SCHOOL SECURITY GUARD.—The term  
11 “school security guard” means an individual who is  
12 not a sworn law enforcement officer and who is re-  
13 sponsible for addressing one or more of the following  
14 safety and crime prevention activities in and around  
15 a program:

16 (A) Assisting program personnel in safety  
17 incidents.

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

20 (C) Developing or expanding community  
21 justice initiatives for students.

22 (D) Training students in conflict resolution  
23 and supporting restorative justice programs.

1           (E) Serving as a liaison between the pro-  
2           gram and outside agencies, including other law  
3           enforcement agencies.

4           (F) Screening students or visitors to the  
5           program for prohibited items.

6           (11) STUDENT.—The term “student” means an  
7           individual enrolled in a program.

8           **TITLE I—PROHIBITION OF**  
9           **CORPORAL PUNISHMENT**

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

11       (a) PROHIBITION.—No student shall be subjected to  
12       corporal punishment by program personnel, a law enforce-  
13       ment officer, or a school security guard under any pro-  
14       gram which receives Federal financial assistance.

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



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 under this  
7 Act to not be subject to corporal punishment by program  
8 personnel, law enforcement officers, or school security  
9 guards and the Attorney General believes the complaint  
10 is meritorious, the Attorney General is authorized, after  
11 giving notice of such complaint to the appropriate pro-  
12 gram and after certifying that the Attorney General is sat-  
13 isfied that such program has had a reasonable time to ad-  
14 just the conditions alleged in such complaint, to institute  
15 for or in the name of the United States a civil action in  
16 any appropriate district court of the United States against  
17 such parties and for such relief as may be appropriate,  
18 and such court shall have and shall exercise jurisdiction  
19 of proceedings instituted pursuant to this section. The At-  
20 torney General may implead as defendants such additional  
21 parties as are or become necessary to the grant of effective  
22 relief hereunder.

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

25 (a) REFERRAL TO OFFICE FOR CIVIL RIGHTS.—The  
26 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 the enactment of this Act, the Sec-  
5 retary shall develop and implement a procedure for receiv-  
6 ing a 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. 1234c).

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) of  
5 this section has cured the failure providing the basis for  
6 the withholding of payments on a date that is within one  
7 year from the date on which such payments were first  
8 withheld, the Secretary 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 pursuant to this subsection for up to one year  
17 from the date upon which the determination in subsection  
18 (d) was made.

19       (f) RULE OF CONSTRUCTION.—Nothing in this sec-  
20 tion shall be construed to limit the Secretary's authority  
21 under the General Education Provisions Act (20 U.S.C.  
22 1221 et seq.).

1 **SEC. 104. PARENT NOTIFICATION AND PROTECTION AND**  
2 **ADVOCACY SYSTEMS.**

3 (a) NOTIFICATION.—If a student is subject to cor-  
4 poral punishment committed by program personnel, a law  
5 enforcement officer, or a school security guard at a pro-  
6 gram, the program serving such student shall notify, in  
7 writing, not later than 24 hours after such use of force  
8 occurs, the facts of such use of force to—

- 9 (1) the parent or parents of such student;  
10 (2) the State educational agency; and  
11 (3) the local law enforcement agency.

12 (b) NOTIFICATION FOR STUDENTS WITH DISABIL-  
13 ITIES.—In the case of a student described in subsection  
14 (a) who is an individual with a disability (as defined in  
15 section 3 of the Americans with Disabilities Act of 1990  
16 (42 U.S.C. 12102)) the program serving such student  
17 shall—

- 18 (1) in addition to the notification described in  
19 such subsection, notify, in writing, not later than 24  
20 hours after the use of force described in such sub-  
21 section occurs, the facts of such use of force to the  
22 relevant protection and advocacy system; and  
23 (2) provide any information to the relevant pro-  
24 tection and advocacy system that the protection and  
25 advocacy system may require.

1 (c) RESTATEMENT OF AUTHORITY.—Protection and  
2 advocacy systems shall have the same authorities and  
3 rights provided under subtitle C of title I of the Develop-  
4 mental Disabilities Assistance and Bill of Rights Act of  
5 2000 (42 U.S.C. 15041 et seq.) with respect to protections  
6 provided for students under this Act when such students  
7 are otherwise eligible to be clients of the protection and  
8 advocacy system, including investigating, monitoring, and  
9 enforcing such protections.

10 **TITLE II—STATE ACTIVITIES**  
11 **AND GRANT PROGRAM**

12 **SEC. 201. STATE PLAN AND ENFORCEMENT.**

13 (a) STATE REQUIREMENTS.—In accordance with the  
14 schedule specified in subsection (c), each State educational  
15 agency that receives Federal financial assistance shall pro-  
16 vide to the Secretary—

17 (1) in the case of a State that did not prohibit  
18 corporal punishment in schools before the date of  
19 enactment of this Act, a written assurance that—

20 (A) all programs located in such State  
21 have been notified of the requirements of this  
22 Act;

23 (B) all program personnel of such State  
24 educational agency have received training with  
25 respect to such requirements;

1 (C) parents of students served by such  
2 State educational agency have been notified of  
3 the requirements, rights, and remedies available  
4 under this Act; and

5 (D) the notification required under sub-  
6 paragraph (C) is publicly available on the  
7 website of the State educational agency;

8 (2) in the case of a State that prohibited cor-  
9 poral punishment in schools before the date of enact-  
10 ment of this Act, a written assurance that all pro-  
11 grams located in such State have been notified of  
12 the requirements of this Act; and

13 (3) a school climate report that includes a de-  
14 scription of—

15 (A) the policies and procedures of the  
16 State educational agency with respect to exclu-  
17 sionary and aversive discipline practices or  
18 interventions in such schools;

19 (B) how the State educational agency  
20 plans to implement, is implementing, or has im-  
21 plemented positive behavioral interventions and  
22 supports and other models to address student  
23 behavior and reduce the use of exclusionary and  
24 aversive discipline practices or interventions in  
25 the public elementary and secondary schools of

1 such State as required under section  
2 1111(g)(1)(C) of the Elementary and Sec-  
3 ondary Education Act of 1965 (20 U.S.C.  
4 6311(g)(1)(C)); and

5 (C) efforts of the State educational agency  
6 to ensure program personnel receive the sup-  
7 ports and training necessary to implement the  
8 interventions, supports, and other models de-  
9 scribed in subparagraph (B).

10 (b) LOCAL EDUCATIONAL AGENCY REQUIRE-  
11 MENTS.—In accordance with the schedule specified in sub-  
12 section (c), each local educational agency shall submit to  
13 the State educational agency a report that includes the  
14 information the State educational agency determines nec-  
15 essary to comply with the requirements of subsection (a).

16 (c) SUBMISSION SCHEDULE.—States and local edu-  
17 cational agencies shall make the submissions required  
18 under subsections (a) and (b) as follows:

19 (1) The initial submissions shall be made not  
20 later than one year after the date of enactment of  
21 this Act and on an annual basis during each of the  
22 3 years following the year of the first submission.

23 (2) After the expiration of the 3-year period de-  
24 scribed in paragraph (1), subsequent submissions

1 shall be made not less frequently than once every  
2 two years.

3 (d) REPORT.—For each year in which the Secretary  
4 receives submissions from States in accordance with the  
5 schedule specified in subsection (c), the Secretary shall—

6 (1) submit to the Committee on Education and  
7 Labor of the House of Representatives and the Com-  
8 mittee on Health, Education, Labor, and Pensions  
9 of the Senate a report summarizing the findings of  
10 the school climate reports received from States for  
11 such year; and

12 (2) make the school climate reports publicly  
13 available.

14 (e) ENFORCEMENT.—

15 (1) IN GENERAL.—

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

20 (i) Withhold, in whole or in part, fur-  
21 ther payments under an applicable pro-  
22 gram (as such term is defined in section  
23 400(c) of the General Education Provi-  
24 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 pursuant  
8 to this paragraph for up to one year from the date  
9 upon which the determination in paragraph (1)(B)  
10 was made.

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

15 **SEC. 202. GRANT AUTHORITY.**

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

24 (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 disaggre-  
5 gate by race, gender, disability, and English  
6 learner status; 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  
25 models (including models such as restorative

1 justice interventions, trauma-informed care,  
2 multi-tiered systems of support, crisis and de-  
3 escalation interventions, implicit bias training,  
4 and culturally responsive teaching), to address  
5 student behavior and work to eliminate the use  
6 of exclusionary and aversive discipline practices  
7 or interventions; and

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

17 (2) PRIORITY.—In awarding grants under this  
18 section, the Secretary shall give priority to State  
19 educational agencies—

20 (A) with a high percentage of in-school  
21 suspensions, out-of-school suspensions, expul-  
22 sions, school-related arrests, and referrals of  
23 students to law enforcement;

1 (B) that lack positive behavioral interven-  
2 tions and supports and other models to improve  
3 school climate and culture; or

4 (C) that are in most need of assistance re-  
5 lating to improving school climate and culture  
6 by reducing the use of exclusionary and aversive  
7 discipline practices or interventions, as deter-  
8 mined by the Secretary.

9 (d) AUTHORITY TO MAKE SUBGRANTS.—

10 (1) IN GENERAL.—A State educational agency  
11 receiving a grant under this section may use such  
12 grant funds to award subgrants, on a competitive  
13 basis in accordance with subsection (e)(2), to local  
14 educational agencies.

15 (2) APPLICATION.—A local educational agency  
16 desiring to receive a subgrant under this section  
17 shall submit an application to the applicable State  
18 educational agency at such time, in such manner,  
19 and containing such information as the State edu-  
20 cational agency may require, including the informa-  
21 tion described in subparagraphs (A) through (D) of  
22 subsection (c)(1) with respect to the local edu-  
23 cational agency.

24 (e) REQUIRED ACTIVITIES.—

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

5           (A) Developing and implementing high-  
6 quality training for program personnel designed  
7 to—

8                   (i) improve school climate and culture;

9                   (ii) increase use of positive behavioral  
10 interventions and supports and other mod-  
11 els to address student behavior; and

12                   (iii) reduce the use of exclusionary  
13 and aversive discipline practices or inter-  
14 ventions and the discriminatory and dis-  
15 proportionate impact such practices have  
16 on students based on their race, ethnicity,  
17 gender, or disability.

18           (B) Providing technical assistance to im-  
19 prove school climate and culture by imple-  
20 menting positive behavioral interventions and  
21 supports, and other models (including models  
22 such as restorative justice interventions, trau-  
23 ma-informed care, multi-tiered systems of sup-  
24 port, crisis and de-escalation interventions, im-  
25 plicit bias training, and culturally responsive

1 teaching), to address student behavior and work  
2 to eliminate the use of exclusionary and aver-  
3 sive discipline practices or interventions.

4 (C) Researching, developing, implementing,  
5 and evaluating models, policies, and procedures  
6 to reduce the use of exclusionary and aversive  
7 discipline practices or interventions in public el-  
8 ementary schools and secondary schools.

9 (2) PRIORITY.—A State educational agency or  
10 local educational agency shall prioritize carrying out  
11 the activities specified in subparagraphs (A) through  
12 (C) of paragraph (1) in public elementary schools  
13 and secondary schools—

14 (A) in which a disproportionately high per-  
15 centage of students who have been subjected to  
16 disciplinary proceedings or have otherwise expe-  
17 rienced the application of such a school’s dis-  
18 cipline policies, practices, and procedures, rel-  
19 ative to such school’s total student population,  
20 are students of color or students with disabil-  
21 ities (as defined in section 602 of the Individ-  
22 uals with Disabilities Education Act (20 U.S.C.  
23 1401));

24 (B) with a high percentage of in-school  
25 suspensions, out-of-school suspensions, expul-



1           sions, school-related arrests, and referrals of  
2           students to law enforcement;

3           (C) that lack positive behavioral interven-  
4           tions and supports and other models to improve  
5           school climate and culture; or

6           (D) that have demonstrated meaningful  
7           community engagement in selecting models to  
8           improve school climate and culture.

9           (f) EVALUATION AND REPORT.—

10           (1) LOCAL EDUCATIONAL AGENCY REPORTS.—

11           Each local educational agency receiving a subgrant  
12           under this section shall, at the end of the grant pe-  
13           riod for such subgrant, prepare and submit to the  
14           State educational agency a report that—

15           (A) evaluates the progress of the local edu-  
16           cational agency toward carrying out the re-  
17           quired activities under subsection (e); and

18           (B) includes any additional information the  
19           State educational agency determines necessary  
20           to complete the report required under para-  
21           graph (2).

22           (2) STATE EDUCATIONAL AGENCY REPORTS.—

23           Each State educational agency receiving a grant  
24           under this section shall, at the end of the three-year

1 grant period for such grant, prepare and submit to  
2 the Secretary a report that—

3 (A) evaluates the State’s progress toward  
4 carrying out the required activities under sub-  
5 section (e);

6 (B) includes data on the impact of the  
7 grant program on school climate and culture  
8 during such grant period, including, with re-  
9 spect to the State educational agency, data on  
10 the prevalence of, and increase or decrease in—

11 (i) exclusionary and aversive discipline  
12 practices or interventions, including in-  
13 school suspensions, out-of-school suspen-  
14 sions, and expulsions;

15 (ii) school-related arrests; and

16 (iii) student referrals to law enforce-  
17 ment;

18 (C) includes the number of high-quality  
19 school climate and culture trainings conducted  
20 for program personnel during such grant pe-  
21 riod;

22 (D) describes the models implemented to  
23 improve school climate and culture during such  
24 grant period;

1           (E) specifies the number of subgrants  
2           made under subsection (d) and the local edu-  
3           cational agencies that were awarded such sub-  
4           grants; and

5           (F) includes such information as the Sec-  
6           retary may require.

7           (3) DATA.—A State educational agency shall,  
8           with respect to the data described in paragraph  
9           (2)(B)—

10           (A) cross-tabulate and disaggregate the  
11           data in the same manner as under subsection  
12           (b)(3)(A); and

13           (B) redact all personally identifiable infor-  
14           mation from such data.

15           (4) PUBLICATION.—Not later than one year  
16           after receiving a report under paragraph (2), the  
17           Secretary shall make the report publicly available on  
18           the website of the Department of Education.

19           (g) FUNDS AVAILABLE FOR THE DEPARTMENT OF  
20           THE INTERIOR.—From the amount appropriated under  
21           section 306, the Secretary shall allocate—

22           (1) 0.5 percent of such funds to the Secretary  
23           of the Interior for activities under this section with  
24           respect to schools operated or funded by the Depart-

1       ment of the Interior, under such terms and condi-  
2       tions as the Secretary may prescribe; and

3               (2) 0.5 percent of such funds for activities  
4       under this section with respect to schools operated  
5       in the outlying areas, under such terms and condi-  
6       tions as the Secretary may prescribe.

## 7                   **TITLE III—ADDITIONAL** 8                   **PROVISIONS**

### 9       **SEC. 301. FEDERAL REGULATIONS.**

10       (a) IN GENERAL.—Not later than 180 days after the  
11       date of the enactment of this Act, the Secretary shall issue  
12       such regulations as are necessary to reasonably ensure  
13       compliance with this Act.

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

### 22       **SEC. 302. OTHER SCHOOLS.**

23       (a) DEPARTMENT OF DEFENSE.—The Secretary of  
24       Defense shall ensure that schools operated or funded by  
25       the Department of Defense Education Activity or other-

1 wise operated or funded by the Department of Defense  
2 for the education of military-connected dependents comply  
3 with the regulations promulgated by the Secretary pursu-  
4 ant to this Act.

5 (b) DEPARTMENT OF INTERIOR.—The Secretary of  
6 the Interior shall ensure that schools operated or funded  
7 by the Department of the Interior comply with the regula-  
8 tions promulgated by the Secretary pursuant to this Act.

9 **SEC. 303. LIMITATION OF AUTHORITY.**

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

12 (1) to restrict or limit, or allow the Secretary  
13 to restrict or limit, any other rights or remedies oth-  
14 erwise available to students or parents under Fed-  
15 eral, State, or local law or regulation; or

16 (2) to restrict or limit Federal, State, or local  
17 laws, regulations, or policies that provide for more  
18 stringent prohibitions or limitations on the use of  
19 corporal punishment than the prohibitions or limita-  
20 tions that are provided for in this Act.

21 (b) LAW ENFORCEMENT OFFICER DUTIES.—Noth-  
22 ing in this Act shall be construed to prevent a sworn law  
23 enforcement officer from carrying out the lawful duties of  
24 the officer under otherwise applicable law.

1 (c) RULE OF CONSTRUCTION ON ENFORCEMENT.—  
2 Nothing in this Act shall be construed to affect the en-  
3 forcement of title VI of the Civil Rights Act of 1964 (42  
4 U.S.C. 2000d et seq.), title IX of the Education Amend-  
5 ments of 1972 (20 U.S.C. 1681 et seq.), section 504 of  
6 the Rehabilitation Act of 1973 (29 U.S.C. 794), or the  
7 Department of Education Organization Act (20 U.S.C.  
8 3401 et seq.) and their enforcing regulations.

9 **SEC. 304. APPLICABILITY TO PRIVATE SCHOOLS AND HOME**  
10 **SCHOOLS.**

11 (a) PRIVATE SCHOOLS.—Nothing in this Act shall be  
12 construed to affect any private school that does not re-  
13 ceive, or does not serve students who receive, support in  
14 any form from any program or activity supported, in whole  
15 or in part, with Federal funds.

16 (b) HOME SCHOOLS.—Nothing in this Act shall be  
17 construed to—

18 (1) affect a home school, whether or not a home  
19 school is treated as a private school or home school  
20 under State law; or

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

23 **SEC. 305. SEVERABILITY.**

24 If any provision of this Act or the application of such  
25 provision to any person or circumstance is held to be un-

1 constitutional, the remaining provisions of this Act and  
2 the application of such provisions to any person or cir-  
3 cumstance shall not be affected thereby.

4 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

5       There are authorized to be appropriated such sums  
6 as may be necessary to carry out this Act for fiscal year  
7 2021 and each fiscal year thereafter.

○