

118TH CONGRESS
1ST SESSION

H. R. 2690

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

IN THE HOUSE OF REPRESENTATIVES

APRIL 18, 2023

Ms. PRESSLEY (for herself, Ms. OMAR, Mrs. WATSON COLEMAN, Mrs. BEATTY, Mr. BOWMAN, Ms. CLARKE of New York, Ms. ADAMS, Mr. CASAR, Ms. JACOBS, Ms. TLAIB, Mr. CARTER of Louisiana, Ms. OCASIO-CORTEZ, Mr. JOHNSON of Georgia, Ms. LEE of California, Ms. VELÁZQUEZ, Ms. MENG, Mr. GREEN of Texas, Mr. TRONE, Ms. JAYAPAL, and Mr. DESAULNIER) introduced the following bill; which was referred to the Committee on Education and the Workforce

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 2023” or the “Ending PUSHOUT Act
7 of 2023”.

1 **SEC. 2. PURPOSE.**

2 It is the purpose of this Act to—

3 (1) strengthen data collection related to exclu-
4 sionary discipline practices in schools and the dis-
5 criminatory application of such practices, which dis-
6 proportionately pushes students of color, particularly
7 girls of color, out of school;

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

15 (3) eliminate all unnecessary loss of instruc-
16 tional time due to unsound or excessive use of for-
17 mal and informal disciplinary removal from instruc-
18 tional settings; and

19 (4) prevent the criminalization and pushout of
20 students from school, especially Black and Brown
21 girls, as a result of educational barriers that include
22 discrimination, adultification, punitive discipline poli-
23 cies and practices, and a failure to recognize and
24 support students with mental health needs or experi-
25 encing trauma.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

7 (2) APPEARANCE OR GROOMING POLICY.—The
8 term “appearance or grooming policy” means any
9 practice, policy, or portion of a student conduct code
10 that governs or restricts the appearance of students,
11 including policies that—

12 (A) restrict or prescribe clothing that a
13 student may wear (including hijabs, headwraps,
14 or bandanas);

15 (B) restrict specific hair styles (such as
16 braids, locs, twists, Bantu knots, cornrows, ex-
17 tensions, or afros); or

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

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

24 (A) prescribed by a licensed physician, or
25 other qualified health professional acting under
26 the scope of the professional’s authority under

1 State law, for the standard treatment of a stu-
2 dent’s medical or psychiatric condition; and

3 (B) administered as prescribed by a li-
4 censed physician or other qualified health pro-
5 fessional acting under the scope of the author-
6 ity of a health professional under State law.

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

16 (5) CULTURALLY SUSTAINING.—The term “cul-
17 turally sustaining” describes educational practices
18 that encourage students to bring their cultural and
19 linguistic assets and life experiences to a school com-
20 munity. Culturally sustaining practices incorporate
21 those assets and experiences into coursework and the
22 social fabric of a school.

23 (6) DIRECT SUPERVISION.—The term “direct
24 supervision” means a student is physically in the

1 same location as a school official and such student
2 is under the care of the school official or school.

3 (7) DISABILITY.—The term “disability” means
4 a mental or physical disability that meets the condi-
5 tions set forth in clauses (i) and (ii) of section
6 602(3)(A) of the Individuals with Disabilities Edu-
7 cation Act (20 U.S.C. 1401(3)(A)(i) and (ii)) or in
8 section 504 of the Rehabilitation Act (29 U.S.C.
9 794).

10 (8) DISCIPLINARY ALTERNATIVE SCHOOL.—The
11 term “disciplinary alternative school” means a short-
12 or long-term educational setting to which a student
13 is sent for disciplinary or behavioral reasons for a
14 specified amount of time before being allowed to re-
15 turn to their regular school setting.

16 (9) ELEMENTARY AND SECONDARY EDUCATION
17 ACT TERMS.—The terms “elementary school”,
18 “English learner”, “local educational agency”, “sec-
19 ondary school”, and “State educational agency” has
20 the meanings given such terms in section 8101 of
21 the Elementary and Secondary Education Act of
22 1965 (20 U.S.C. 7801).

23 (10) EXCLUSIONARY DISCIPLINE.—The term
24 “exclusionary discipline” describes school policies
25 and practices, whether formal or informal action of

1 school officials or by law enforcement, used to dis-
2 cipline students by removing them from their regular
3 learning environment.

4 (11) GENDER IDENTITY.—The term “gender
5 identity” means the gender-related identity, appear-
6 ance, mannerisms, or other gender-related character-
7 istics of an individual regardless of the designated
8 sex at birth of the individual.

9 (12) INFORMAL REMOVAL.—The term “infor-
10 mal removal” means an administrative removal of a
11 student from the learning environment for part or
12 all of the school day, or an indefinite period of time,
13 without documenting the removal as a suspension or
14 expulsion or engaging in formalized disciplinary
15 processes.

16 (13) INDIAN TRIBE.—The term “Indian Tribe”
17 has the meaning given the term in section 4(e) of
18 the Indian Self-Determination and Education Assist-
19 ance Act (25 U.S.C. 5304(e)).

20 (14) IN-SCHOOL SUSPENSION.—The term “in-
21 school suspension” means an instance in which a
22 student is temporarily removed from a regular class-
23 room for at least half a day but remains under the
24 direct supervision of a school official.

1 (15) MECHANICAL RESTRAINT.—The term
2 “mechanical restraint” has the meaning given the
3 term in section 595(d)(1) of the Public Health Serv-
4 ice Act (42 U.S.C. 290jj(d)(1)), except that the
5 meaning shall be applied by substituting “student”
6 for “resident”.

7 (16) MULTI-TIERED SYSTEM OF SUPPORTS.—
8 The term “multi-tiered system of supports” means
9 a comprehensive continuum of evidence-based, sys-
10 temic practices to support a rapid response to the
11 needs of students, with regular observation to facili-
12 tate data-based instructional decision making.

13 (17) OUT-OF-SCHOOL SUSPENSION.—The term
14 “out-of-school suspension” means an instance in
15 which a student is excluded from their school for
16 disciplinary reasons by temporarily being removed
17 from regular classes to another setting, including a
18 home, virtual school placement, alternative school
19 placement, disciplinary alternative school, or behav-
20 ior center, regardless of whether such disciplinary
21 removal is deemed as a suspension by school offi-
22 cials.

23 (18) PHYSICAL ESCORT.—The term “physical
24 escort” has the meaning given the term in section
25 595(d)(2) of the Public Health Service Act (42

1 U.S.C. 290jj(d)(2)), except that the meaning shall
2 be applied by substituting “student” for “resident”.

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

9 (20) POSITIVE BEHAVIORAL INTERVENTIONS
10 AND SUPPORTS.—The term “positive behavioral
11 interventions and supports” means a schoolwide,
12 systematic approach that embeds evidence-based
13 practices and data-driven decision-making to im-
14 prove school climate and culture in order to achieve
15 improved academic and social outcomes and increase
16 learning for all students (including students with the
17 most complex and intensive behavioral needs) and
18 encompasses a range of systemic and individualized
19 positive strategies to teach and reinforce school-ex-
20 pected behaviors, while discouraging and diminishing
21 undesirable behaviors.

22 (21) PUSHOUT.—The term “pushout” means
23 an instance when a student leaves elementary, mid-
24 dle or secondary school, including a forced transfer
25 to another school, prior to graduating secondary

1 school due to overuse of exclusionary discipline prac-
2 tices, failure to address trauma or other mental
3 health needs, discrimination, or other educational
4 barriers that do not support or promote the success
5 of a student.

6 (22) SCHOOL-BASED LAW ENFORCEMENT OFFI-
7 CER.—The term “school-based law enforcement offi-
8 cer” means an individual who—

9 (A) is—

10 (i) assigned by a law enforcement
11 agency to a secondary or elementary school
12 or local educational agency;

13 (ii) contracting with a secondary or el-
14 elementary school or local educational agen-
15 cy; or

16 (iii) employed by a secondary or ele-
17 elementary school or local educational agency;

18 (B) has the legal power to detain, arrest,
19 issue a citation, perform a custodial investiga-
20 tion, or refer a person to a criminal or juvenile
21 court;

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

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

4 (23) SCHOOL OFFICIAL.—The term “school of-
5 ficial” means an educator, school principal, adminis-
6 trator, or other personnel, not considered school-
7 based law enforcement, engaged in the performance
8 of duties with respect to a school.

9 (24) SECLUSION.—The term “seclusion” means
10 the involuntary confinement of a student alone in a
11 room or area where the student is physically pre-
12 vented from leaving, and does not include a time
13 out.

14 (25) SECRETARY.—The term “Secretary”
15 means the Secretary of Education.

16 (26) SERIOUS BODILY INJURY.—The term “se-
17 rious bodily injury” has the meaning given that term
18 in section 1365(h)(3) of title 18, United States
19 Code.

20 (27) SEXUAL ORIENTATION.—The term “sexual
21 orientation” means how a person identifies in terms
22 of their emotional, romantic, or sexual attraction,
23 and includes identification as straight, heterosexual,
24 gay, lesbian, or bisexual, among other terms.

1 (28) SPECIAL EDUCATION SCHOOL.—The term
2 “special education school” means a school that fo-
3 cuses primarily on serving the needs of students who
4 qualify as “a child with a disability” as that term
5 is defined under section 602(3)(A)(i) of the Individ-
6 uals with Disabilities Education Act (20 U.S.C.
7 1401(3)(A)(i)) or are subject to section 504 of the
8 Rehabilitation Act of 1973 (29 U.S.C. 794).

9 (29) THREAT ASSESSMENT.—The term “threat
10 assessment” means actions consisting of referrals or
11 meetings initiated by a member of school staff, ad-
12 ministrator, school counselor, or educator that in-
13 clude law enforcement officers to assess whether a
14 student constitutes a threat or risk to self or others.

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

20 (31) TRAUMA-INFORMED SERVICES.—The term
21 “trauma-informed services” means a service delivery
22 approach that—

23 (A) recognizes and responds to the impacts
24 of trauma with evidence-based supports and
25 intervention;

1 (B) emphasizes physical, psychological, and
2 emotional safety for both providers of services
3 and survivors of trauma; and

4 (C) creates opportunities for survivors of
5 trauma to rebuild a sense of healing and em-
6 powerment.

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

12 **SEC. 4. STRENGTHENING CIVIL RIGHTS DATA COLLECTION**
13 **WITH RESPECT TO EXCLUSIONARY DIS-**
14 **CIPLINE IN SCHOOLS.**

15 (a) IN GENERAL.—The Assistant Secretary for Civil
16 Rights shall annually carry out data collection, while
17 maintaining appropriate safety and privacy standards, au-
18 thorized under section 203(c)(1) of the Department of
19 Education Organization Act (20 U.S.C. 3413(c)(1)),
20 which shall include data with respect to students enrolled
21 in a public preschool, elementary, or secondary school (in-
22 cluding traditional public, charter, virtual, special edu-
23 cation school, and alternative schools or placements) who
24 received the following disciplinary actions during the pre-
25 ceding school year:

1 (1) Suspension (including the classification of
2 the suspension as in-school suspension or out-of-
3 school suspension), which shall include data with re-
4 spect to—

5 (A) the number of students who were sus-
6 pended, disaggregated and cross-tabulated by
7 type of suspension and by—

8 (i) enrollment in a preschool or in an
9 elementary school and secondary school by
10 grade level;

11 (ii) race;

12 (iii) ethnicity;

13 (iv) sex (including, to the extent pos-
14 sible, sexual orientation and gender iden-
15 tity);

16 (v) low-income status;

17 (vi) disability status (including stu-
18 dents eligible for disability under the Indi-
19 viduals with Disabilities Education Act (20
20 U.S.C. 1401 et. seq.) or section 504 of the
21 Rehabilitation Act of 1973 (29 U.S.C. 10
22 794));

23 (vii) English learner status;

24 (viii) foster care status;

1 (ix) housing status, to the extent possible;
2

3 (x) Tribal citizenship or descent, in
4 the first or second degree, of an Indian
5 Tribe, to the extent possible; and

6 (xi) pregnant and parenting student
7 status, to the extent possible;

8 (B) the number and length of suspensions;

9 (C) the reason for each such suspension,
10 including—

11 (i) a violation of a zero-tolerance policy and whether such violation was due to
12 a violent or nonviolent offense;

13 (ii) a violation of an appearance policy, dress code, or grooming policy;

14 (iii) an act of insubordination;

15 (iv) willful defiance; and

16 (v) a violation of a school code of conduct; and
17

18 (D) the number of days of lost instruction
19 due to each out-of-school and in-school suspension.
20

21 (2) Expulsion, including agreements to withdraw a child from school in lieu of an expulsion
22 process, which shall include data with respect to—
23
24
25

1 (A) the number of students who were ex-
2 pelled, disaggregated and cross-tabulated as
3 outlined under clauses (i) through (xi) of sub-
4 section (a)(1)(A); and

5 (B) the reason for each such expulsion, in-
6 cluding—

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

10 (ii) a violation of an appearance pol-
11 icy, dress code, or grooming policy;

12 (iii) an act of insubordination, willful
13 defiance, or violation of a school code of
14 conduct;

15 (iv) the use of profane or vulgar lan-
16 guage;

17 (v) an act of insubordination; and

18 (vi) a violation of a school code of
19 conduct.

20 (3) The number of students subject to an out-
21 of-school transfer to a different school, including al-
22 ternative education placements or a virtual school,
23 disaggregated and cross-tabulated as outlined under
24 clauses (i) through (xi) of subsection (a)(1)(A), and
25 the primary reason for each such transfer.

1 (4) The number of students subject to a refer-
2 ral to law enforcement or threat assessment process,
3 disaggregated and cross-tabulated as outlined under
4 clauses (i) through (xi) of subsection (a)(1)(A), in-
5 cluding the primary reason for each such referral,
6 and whether such referral resulted in an arrest.

7 (5) The number of students arrested at school,
8 including at school-sponsored activities,
9 disaggregated and cross-tabulated as outlined under
10 clauses (i) through (xi) of subsection (a)(1)(A), and
11 the primary reason for such arrest.

12 (6) The number of students subject to a refer-
13 ral to or placement in a residential facility, including
14 for temporary or short-term holds (such as 48-hour
15 or 72-hour holds) disaggregated and cross-tabulated
16 as outlined under clauses (i) through (xi) of sub-
17 section (a)(1)(A).

18 (7) The number of students subject to place-
19 ment in juvenile or criminal legal confinement or
20 other institutionalized settings, including diversion
21 to arrest programs and mental and psychiatric pro-
22 grams, disaggregated and cross-tabulated as outlined
23 under clauses (i) through (xi) of subsection
24 (a)(1)(A).

25 (b) REPORT.—

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

6 (2) REQUIREMENTS.—The report required
7 under paragraph (1) shall—

8 (A) identify, with respect to the data col-
9 lected under subsection (a), schools, local edu-
10 cational agencies, and States that demonstrate
11 a pattern of the overuse and discriminatory use
12 of exclusionary disciplinary practices;

13 (B) be disaggregated and cross tabulated,
14 except that such disaggregation shall not be re-
15 quired in the case of a State, local educational
16 agency, or a school in which the number of stu-
17 dents in a subgroup is insufficient to yield sta-
18 tistically reliable information or the results
19 would reveal personally identifiable information
20 about an individual student, by—

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

24 (ii) race;

25 (iii) ethnicity;

- 1 (iv) sex (including, to the extent possible,
2 sible, sexual orientation and gender identity);
3 tity);
- 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) foster care status;
- 13 (ix) housing status, to the extent possible;
14 sible;
- 15 (x) Tribal citizenship or descent, in
16 the first or second degree, of an Indian
17 Tribe; and
- 18 (xi) pregnant and parenting student
19 status, to the extent possible;
- 20 (C) be publicly accessible in multiple languages,
21 accessibility formats, and provided in a
22 language that parents, families, and community
23 members can understand; and
- 24 (D) be presented in a manner that protects
25 the privacy of individuals consistent with the re-

1 requirements of section 444 of the General Edu-
2 cation Provisions Act (20 U.S.C. 1232g), com-
3 monly known as the “Family Educational
4 Rights and Privacy Act of 1974”.

5 **SEC. 5. GRANTS TO REDUCE EXCLUSIONARY SCHOOL DIS-**
6 **CIPLINE PRACTICES.**

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

13 (b) **ELIGIBLE ENTITIES.**—In this section, the term
14 “eligible entity” means—

15 (1) one or more local educational agencies (who
16 may be partnered with a State educational agency),
17 including a public charter school that is a local edu-
18 cational agency under State law or local educational
19 agency operated by the Bureau of Indian Education;
20 or

21 (2) a nonprofit organization (defined as an or-
22 ganization described in section 501(c)(3) of the In-
23 ternal Revenue Code, which is exempt from taxation
24 under section 501(a) of such Code) with a track

1 record of success in improving school climates and
2 supporting students.

3 (c) APPLICATION.—An eligible entity seeking a grant
4 under this section shall submit an application to the Sec-
5 retary at such time, in such manner, and containing such
6 information as the Secretary may require, including an as-
7 surance that the eligible entity shall prioritize schools with
8 high rates of disparities in exclusionary discipline, such
9 as suspensions, expulsions, law enforcement referrals, and
10 school-based arrests, for students of color, students with
11 disabilities, LGBTQI+ students, English language learn-
12 ers, students experiencing homelessness, students involved
13 in the foster care system, and students living at the inter-
14 sections of these identities, and historical patterns of dis-
15 parities in exclusionary school discipline. The Secretary
16 shall make applications publicly accessible in an appro-
17 priate digital format.

18 (d) 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 physical 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 or physical escort that
9 is life threatening, that restricts breathing, or that
10 restricts blood flow to the brain, including prone and
11 supine restraint, on a student, except when each of
12 the following requirements are met:

13 (A) The student's behavior poses an immi-
14 nent danger of serious physical injury to the
15 student, program personnel, or another indi-
16 vidual.

17 (B) Before using physical restraint, less
18 restrictive interventions would be ineffective in
19 stopping such imminent danger of serious phys-
20 ical injury.

21 (C) Such physical restraint is imposed
22 by—

23 (i) program personnel trained and cer-
24 tified by a State-approved crisis interven-
25 tion training program; or

1 (ii) program personnel not trained
2 and certified as described in clause (i), in
3 the case of a rare and clearly unavoidable
4 emergency circumstance when program
5 personnel certified as described in clause
6 (i) is not immediately available due to the
7 unforeseeable nature of the emergency cir-
8 cumstance.

9 (D) Such physical restraint ends imme-
10 diately upon the cessation of the imminent dan-
11 ger of serious physical injury to the student,
12 any program personnel, or another individual.

13 (E) The physical restraint does not inter-
14 fere with the student's ability to communicate
15 in the student's primary language or primary
16 mode of communication.

17 (F) During the physical restraint, the least
18 amount of force necessary is used to protect the
19 student or others from the threatened injury.

20 (G) The physical restraint does not affect
21 or interfere with, with respect to a student, a
22 disability, health care needs, or a medical or
23 psychiatric condition documented in a—

24 (i) health care directive or medical
25 management plan;

- 1 (ii) a behavior intervention plan;
- 2 (iii) an individualized education pro-
- 3 gram or an individualized family service
- 4 plan (as defined in section 602 of the Indi-
- 5 viduals with Disabilities Education Act (20
- 6 U.S.C. 1401)); or
- 7 (iv) another relevant record made
- 8 available to the State or eligible entity in-
- 9 volved.

10 (e) USE OF FUNDS.—

11 (1) REQUIRED USES.—An eligible entity that

12 receives a grant under this section shall use funds

13 to—

14 (A) evaluate the current discipline policies

15 of schools under the eligible entity and, in part-

16 nership with students (including girls of color),

17 the family members of students, and the local

18 community of such school, develop discipline

19 policies for such schools to ensure that such

20 policies are not exclusionary or discriminately

21 applied toward students;

22 (B) provide training and professional de-

23 velopment for school officials to avoid or ad-

24 dress the overuse and discriminatory dispropor-

25 tionate use of exclusionary discipline practices

1 in schools and to create awareness of implicit
2 and explicit bias and use culturally sustaining
3 practices, including training in—

4 (i) identifying and providing support
5 to students who may have experienced or
6 are at risk of experiencing trauma or have
7 other mental health needs;

8 (ii) administering and responding to
9 assessments on adverse childhood experi-
10 ences;

11 (iii) providing student-centered, trau-
12 ma-informed services and positive behavior
13 management interventions that create safe
14 and supportive school climates;

15 (iv) using restorative practices;

16 (v) using culturally and linguistically
17 responsive intervention strategies;

18 (vi) developing social and emotional
19 learning competencies; and

20 (vii) increasing student engagement
21 and improving dialogue between students
22 and educators;

23 (C) implement and evaluate evidence-based
24 alternatives to suspension or expulsion, includ-
25 ing—

1 (i) multi-tier systems of support, such
2 as positive behavioral interventions and
3 supports;

4 (ii) social, emotional, and academic
5 learning strategies designed to engage stu-
6 dents and avoid escalating conflicts; and

7 (iii) other data-driven approaches to
8 improving school environments;

9 (D) improve behavioral and academic out-
10 comes for students by creating a safe and sup-
11 portive learning environment and school cli-
12 mate, which may include—

13 (i) restorative practices with respect
14 to improving relationships among students,
15 school officials, and members of the local
16 community, which may include partnering
17 with local mental health agencies or non-
18 profit organizations;

19 (ii) access to mentors and peer-based
20 support programs;

21 (iii) extracurricular programs, includ-
22 ing sports and art programs;

23 (iv) social and emotional learning
24 strategies designed to engage students and
25 avoid escalating conflicts;

1 (v) access to counseling, mental health
2 programs, and trauma-informed services,
3 including suicide prevention programs; and

4 (vi) access to culturally responsive
5 curricula that affirms the history and con-
6 tributions of traditionally marginalized
7 people and communities;

8 (E) hire social workers, school counselors,
9 trauma-informed care personnel, and other
10 mental health personnel who shall not serve as
11 proxies for school-based law enforcement offi-
12 cers; and

13 (F) support the development, delivery, and
14 analysis of school climate surveys.

15 (2) PROHIBITED USES.—An eligible entity that
16 receives a grant under this section may not use
17 funds to—

18 (A) hire or retain school-based law enforce-
19 ment personnel, including school resource offi-
20 cers;

21 (B) purchase, maintain, or install surveil-
22 lance equipment, including metal detectors or
23 software programs that monitor or mine the so-
24 cial media use or technology use of students;

1 (C) arm educators, principals, school lead-
2 ers, or other school personnel; and

3 (D) enter into formal or informal partner-
4 ships or data and information sharing agree-
5 ments with—

6 (i) the Secretary of Homeland Secu-
7 rity, including agreements with U.S. Immi-
8 gration and Customs Enforcement or U.S.
9 Customs and Border Protection; or

10 (ii) State, local, or other law enforce-
11 ment agencies, including partnerships that
12 allow for hiring of school-based law en-
13 forcement.

14 (f) TECHNICAL ASSISTANCE.—The Secretary, in car-
15 rying out subsection (a), may reserve not more than 2 per-
16 cent of funds to provide technical assistance to eligible en-
17 tities, which may include—

18 (1) support for data collection, compliance, and
19 analysis of the activities of the program authorized
20 under subsection (a); and

21 (2) informational meetings and seminars with
22 respect to the application process under subsection
23 (c).

24 (g) REPORT BY GRANTEEES.—Not later than one year
25 after the date of enactment of this section, an eligible enti-

1 ty receiving a grant under this section shall submit to the
2 Secretary, and to the public, a report on the activities
3 funded through the grant. The Secretary shall make each
4 such report publicly accessible in an appropriate digital
5 format. Such report shall include, at a minimum, a de-
6 scription of—

7 (1) the evaluation methods of disciplinary prac-
8 tices prior to the grant;

9 (2) training and professional development serv-
10 ices provided for school officials, including school-
11 based law enforcement officers, to address discrimi-
12 natory discipline practices, implicit and explicit bias,
13 and other uses described in subsection (e)(1);

14 (3) aggregated and de-identified behavioral, so-
15 cial emotional, and academic outcomes experience by
16 students;

17 (4) any instance of physical restraint used on a
18 student with an explanation of a circumstance de-
19 scribed in subsection (d)(6);

20 (5) the number of students who were referred
21 to some form of alternative practice described in
22 subsection (e)(1)(C);

23 (6) disaggregated data on students suspended,
24 expelled, arrested at school, and referred to the juve-
25 nile or criminal legal system, except that such

1 disaggregation shall not be required in the case of
2 a State, local educational agency, or a school in
3 which the number of students in a subgroup is in-
4 sufficient to yield statistically reliable information or
5 the results would reveal personally identifiable infor-
6 mation about an individual student, cross tabulated
7 by—

8 (A) reason for disciplinary action;

9 (B) type and length of disciplinary action;

10 (C) grade level;

11 (D) race;

12 (E) ethnicity;

13 (F) sex (including to the extent possible,
14 sexual orientation and gender identity);

15 (G) low-income status;

16 (H) disability status;

17 (I) English learner status;

18 (J) foster care status;

19 (K) housing status, to the extent possible;

20 (L) Tribal citizenship or descent, in the
21 first or second degree, of an Indian Tribe; and

22 (M) pregnant and parenting student sta-
23 tus, to the extent possible; and

24 (7) any other information required by the Sec-
25 retary.

1 **SEC. 6. JOINT TASK FORCE TO END SCHOOL PUSHOUT OF**
2 **GIRLS OF COLOR.**

3 (a) ESTABLISHMENT.—The Secretary and the Sec-
4 retary of Health and Human Services shall establish and
5 operate a joint task force to end school pushout (in this
6 section referred to as the “Joint Task Force”).

7 (b) COMPOSITION.—

8 (1) CHAIRS.—The Secretary and the Secretary
9 of Health and Human Services shall chair the Joint
10 Task Force.

11 (2) MEMBERS.—

12 (A) IN GENERAL.—The Joint Task Force
13 shall include 21 total members and be com-
14 posed of—

15 (i) 6 students, including 2 Black,
16 Brown, and Indigenous girls;

17 (ii) 2 educators;

18 (iii) 3 parents, including foster par-
19 ents, legal guardians, and caregivers with
20 children enrolled in public school;

21 (iv) 3 public school officials;

22 (v) 3 representatives from the civil
23 rights community, including civil rights
24 and disability organizations;

25 (vi) 2 psychologists, social workers,
26 trauma-informed personnel, and other

1 mental health professionals with expertise
2 in child and adolescent development; and
3 (vii) 2 researchers with experience in
4 behavioral intervention with children and
5 youth.

6 (B) LAW ENFORCEMENT OFFICERS.—The
7 Joint Task Force shall not include law enforce-
8 ment officers.

9 (3) ADVISORY MEMBERS.—In addition to the
10 members under paragraph (2), the Assistant Attor-
11 ney General of the Civil Rights Division of the De-
12 partment of Justice and the Director of the Bureau
13 of Indian Education shall be advisory members of
14 the Joint Task Force.

15 (4) MEMBER APPOINTMENT.—Not later than
16 60 days after the date of the enactment of this Act,
17 the Secretary and the Secretary of Health and
18 Human Services shall appoint the members of the
19 Joint Task Force—

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

21 (B) using a competitive application proc-
22 ess; and

23 (C) with consideration to the racial, ethnic,
24 gender, disability, and geographic diversity of
25 the Joint Task Force.

1 (c) STUDY AND RECOMMENDATIONS.—The Joint
2 Task Force shall—

3 (1) conduct a study to—

4 (A) identify causes for disparities in school
5 discipline administration that push girls of color
6 out of schools;

7 (B) identify best practices for reducing the
8 overuse and discriminatory use of exclusionary
9 discipline practices;

10 (C) identify interventions and account-
11 ability for local and State educational agencies
12 when disparities in school discipline are found;
13 and

14 (D) determine to what extent exclusionary
15 discipline practices contribute to the criminal-
16 ization of—

17 (i) girls of color;

18 (ii) English learners;

19 (iii) Indigenous girls;

20 (iv) LGBTQI+ students;

21 (v) students experiencing homeless-
22 ness;

23 (vi) students involved in the foster
24 care system; and

25 (vii) students with disabilities; and

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

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

9 (1) available to the public through the public
10 website of the Department of Health and Human
11 Services and by request;

12 (2) accessible in accordance with the require-
13 ments of the American with Disabilities Act of 1990
14 (42 U.S.C. 12101 et seq.); and

15 (3) available in multiple languages.

16 **SEC. 7. AUTHORIZATION OF APPROPRIATION.**

17 (a) IN GENERAL.—There is authorized to be appro-
18 priated \$500,000,000 for each fiscal year after the date
19 of enactment of this Act to carry out sections 5 and 6.

20 (b) ADDITIONAL FUNDING TO THE OFFICE FOR
21 CIVIL RIGHTS.—There is authorized to be appropriated
22 \$500,000,000 for each fiscal year after the date of enact-
23 ment of this Act to carry out section 4.

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