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H. R. 927

To prevent and reduce the use of physical restraint and seclusion in schools,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2015

Mr. BEYER (for himself, Mr. SCOTT of Virginia, Mrs. DAVIS of California, Mr. CONNOLLY, Mr. LOEBSACK, Ms. CLARK of Massachusetts, Mr. TAKANO, Mr. TONKO, Mr. LANGEVIN, Mr. LEVIN, Mr. RANGEL, Ms. SLAUGHTER, Mr. COHEN, Mr. CICILLINE, Mr. SEAN PATRICK MALONEY of New York, Mr. SCHIFF, Mrs. NAPOLITANO, Mr. PIERLUISI, Mr. DEFazio, Mr. SIREs, Ms. PINGREE, Mr. HIMES, Mr. HONDA, Mr. SABLAn, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To prevent and reduce the use of physical restraint and
seclusion 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 “Keeping All Students
5 Safe Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Physical restraint and seclusion have re-
2 sulted in physical injury, psychological trauma, and
3 death to children in public and private schools. Na-
4 tional research shows students have been subjected
5 to physical restraint and seclusion in schools as a
6 means of discipline, to force compliance, or as a sub-
7 stitute for appropriate educational support.

8 (2) Behavioral interventions for children must
9 promote the right of all children to be treated with
10 dignity. All children have the right to be free from
11 physical or mental abuse, aversive behavioral inter-
12 ventions that compromise health and safety, and any
13 physical restraint or seclusion imposed solely for
14 purposes of discipline or convenience.

15 (3) Safe, effective, evidence-based strategies are
16 available to support children who display challenging
17 behaviors in school settings. Staff training focused
18 on the dangers of physical restraint and seclusion as
19 well as training in evidence-based positive behavior
20 supports, de-escalation techniques, and physical re-
21 straint and seclusion prevention, can reduce the inci-
22 dence of injury, trauma, and death.

23 (4) School personnel have the right to work in
24 a safe environment and should be provided training

1 and support to prevent injury and trauma to them-
2 selves and others.

3 (5) Despite the widely recognized risks of phys-
4 ical restraint and seclusion, a substantial disparity
5 exists among many States and localities with regard
6 to the protection and oversight of the rights of chil-
7 dren and school personnel to a safe learning environ-
8 ment.

9 (6) Children are subjected to physical restraint
10 and seclusion at higher rates than adults. Physical
11 restraint which restricts breathing or causes other
12 body trauma, as well as seclusion in the absence of
13 continuous face-to-face monitoring, have resulted in
14 the deaths of children in schools.

15 (7) Children are protected from inappropriate
16 physical restraint and seclusion in other settings,
17 such as hospitals, health facilities, and non-medical
18 community-based facilities. Similar protections are
19 needed in schools, yet such protections must ac-
20 knowledge the differences of the school environment.

21 (8) Research confirms that physical restraint
22 and seclusion are not therapeutic, nor are these
23 practices effective means to calm or teach children,
24 and may have an opposite effect while simulta-
25 neously decreasing a child's ability to learn.

1 (9) The effective implementation of school-wide
2 positive behavior supports is linked to greater aca-
3 demic achievement, significantly fewer disciplinary
4 problems, increased instruction time, and staff per-
5 ception of a safer teaching environment.

6 **SEC. 3. PURPOSES.**

7 The purposes of this Act are to—

8 (1) prevent and reduce the use of physical re-
9 straint and seclusion in schools;

10 (2) ensure the safety of all students and school
11 personnel in schools and promote a positive school
12 culture and climate;

13 (3) protect students from—

14 (A) physical and mental abuse;

15 (B) aversive behavioral interventions that
16 compromise health and safety; and

17 (C) any physical restraint or seclusion im-
18 posed solely for purposes of discipline or con-
19 venience;

20 (4) ensure that physical restraint and seclusion
21 are imposed in school only when a student’s behavior
22 poses an imminent danger of physical injury to the
23 student, school personnel, or others; and

24 (5) assist States, local educational agencies,
25 and schools in—

1 (A) establishing policies and procedures to
2 keep all students, including students with the
3 most complex and intensive behavioral needs,
4 and school personnel safe;

5 (B) providing school personnel with the
6 necessary tools, training, and support to ensure
7 the safety of all students and school personnel;

8 (C) collecting and analyzing data on phys-
9 ical restraint and seclusion in schools; and

10 (D) identifying and implementing effective
11 evidence-based models to prevent and reduce
12 physical restraint and seclusion in schools.

13 **SEC. 4. DEFINITIONS.**

14 In this Act:

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

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

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

1 fessional acting under the scope of the profes-
2 sional’s authority under State law.

3 (2) EDUCATIONAL SERVICE AGENCY.—The
4 term “educational service agency” has the meaning
5 given such term in section 9101(17) of the Elemen-
6 tary and Secondary Education Act of 1965 (20
7 U.S.C. 7801(17)).

8 (3) ELEMENTARY SCHOOL.—The term “elemen-
9 tary school” has the meaning given the term in sec-
10 tion 9101(18) of the Elementary and Secondary
11 Education Act of 1965 (20 U.S.C. 7801(18)).

12 (4) LOCAL EDUCATIONAL AGENCY.—The term
13 “local educational agency” has the meaning given
14 the term in section 9101(26) of the Elementary and
15 Secondary Education Act of 1965 (20 U.S.C.
16 7801(26)).

17 (5) MECHANICAL RESTRAINT.—The term “me-
18 chanical restraint” has the meaning given the term
19 in section 595(d)(1) of the Public Health Service
20 Act (42 U.S.C. 290jj(d)(1)), except that the mean-
21 ing shall be applied by substituting “student’s” for
22 “resident’s”.

23 (6) PARENT.—The term “parent” has the
24 meaning given the term in section 9101(31) of the

1 Elementary and Secondary Education Act of 1965
2 (20 U.S.C. 7801(31)).

3 (7) PHYSICAL ESCORT.—The term “physical es-
4 cort” 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 (8) PHYSICAL RESTRAINT.—The term “physical
9 restraint” means a personal restriction that immo-
10 bilizes or reduces the ability of an individual to move
11 the individual’s arms, legs, torso, or head freely, ex-
12 cept that such term does not include a physical es-
13 cort, mechanical restraint, or chemical restraint.

14 (9) POSITIVE BEHAVIOR SUPPORTS.—The term
15 “positive behavior supports” means a systematic ap-
16 proach to embed evidence-based practices and data-
17 driven decisionmaking to improve school climate and
18 culture, including a range of systemic and individ-
19 ualized strategies to reinforce desired behaviors and
20 diminish reoccurrence of problem behaviors, in order
21 to achieve improved academic and social outcomes
22 and increase learning for all students, including stu-
23 dents with the most complex and intensive behav-
24 ioral needs.

1 (10) PROTECTION AND ADVOCACY SYSTEM.—

2 The term “protection and advocacy system” means
3 a protection and advocacy system established under
4 section 143 of the Developmental Disabilities Assist-
5 ance and Bill of Rights Act of 2000 (42 U.S.C.
6 15043).

7 (11) SCHOOL.—The term “school” means an
8 entity—

9 (A) that—

10 (i) is a public or private—

11 (I) day or residential elementary
12 school or secondary school; or

13 (II) early childhood, elementary
14 school, or secondary school program
15 that is under the jurisdiction of a
16 school, local educational agency, edu-
17 cational service agency, or other edu-
18 cational institution or program; and

19 (ii) receives, or serves students who
20 receive, support in any form from any pro-
21 gram supported, in whole or in part, with
22 funds appropriated to the Department of
23 Education; or

1 (B) that is a school funded or operated by
2 the Department of the Interior or the Depart-
3 ment of Defense.

4 (12) SCHOOL PERSONNEL.—The term “school
5 personnel” has the meaning—

6 (A) given the term in section 4151(10) of
7 the Elementary and Secondary Education Act
8 of 1965 (20 U.S.C. 7161(10)); and

9 (B) given the term “school resource offi-
10 cer” in section 4151(11) of the Elementary and
11 Secondary Education Act of 1965 (20 U.S.C.
12 7161(11)).

13 (13) SECONDARY SCHOOL.—The term “sec-
14 ondary school” has the meaning given the term in
15 section 9101(38) of the Elementary and Secondary
16 Education Act of 1965 (20 U.S.C. 7801(38)).

17 (14) SECLUSION.—The term “seclusion” means
18 the involuntary confinement of a student alone in a
19 room or area from which the student is physically
20 prevented from leaving, except that such term does
21 not include a time out.

22 (15) SECRETARY.—The term “Secretary”
23 means the Secretary of Education.

24 (16) STATE-APPROVED CRISIS INTERVENTION
25 TRAINING PROGRAM.—The term “State-approved

1 crisis intervention training program” means a train-
2 ing program approved by a State and the Secretary
3 that, at a minimum, provides—

4 (A) training in evidence-based techniques
5 shown to be effective in the prevention of phys-
6 ical restraint and seclusion;

7 (B) training in evidence-based techniques
8 shown to be effective in keeping both school
9 personnel and students safe when imposing
10 physical restraint or seclusion;

11 (C) evidence-based skills training related to
12 positive behavior supports, safe physical escort,
13 conflict prevention, understanding antecedents,
14 de-escalation, and conflict management;

15 (D) training in first aid and cardio-
16 pulmonary resuscitation;

17 (E) information describing State policies
18 and procedures that meet the minimum stand-
19 ards established by regulations promulgated
20 pursuant to section 5(a); and

21 (F) certification for school personnel in the
22 techniques and skills described in subpara-
23 graphs (A) through (D), which shall be required
24 to be renewed on a periodic basis.

1 (17) STATE.—The term “State” has the mean-
2 ing given the term in section 9101 of the Elemen-
3 tary and Secondary Education Act of 1965 (20
4 U.S.C. 7801).

5 (18) STATE EDUCATIONAL AGENCY.—The term
6 “State educational agency” has the meaning given
7 the term in section 9101(41) of the Elementary and
8 Secondary Education Act of 1965 (20 U.S.C.
9 7801(41)).

10 (19) STUDENT.—The term “student” means a
11 student enrolled in a school defined in paragraph
12 (11), except that in the case of a student enrolled
13 in a private school or private program, such term
14 means a student who receives support in any form
15 from any program supported, in whole or in part,
16 with funds appropriated to the Department of Edu-
17 cation.

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

23 **SEC. 5. MINIMUM STANDARDS; RULE OF CONSTRUCTION.**

24 (a) MINIMUM STANDARDS.—Not later than 180 days
25 after the date of the enactment of this Act, to protect each

1 student from physical or mental abuse, aversive behavioral
2 interventions that compromise student health and safety,
3 or any physical restraint or seclusion imposed solely for
4 purposes of discipline or convenience or in a manner other-
5 wise inconsistent with this Act, the Secretary shall pro-
6 mulgate regulations establishing the following minimum
7 standards:

8 (1) School personnel shall be prohibited from
9 imposing on any student the following:

10 (A) Mechanical restraints.

11 (B) Chemical restraints.

12 (C) Physical restraint or physical escort
13 that restricts breathing.

14 (D) Aversive behavioral interventions that
15 compromise health and safety.

16 (2) School personnel shall be prohibited from
17 imposing physical restraint or seclusion on a student
18 unless—

19 (A) the student's behavior poses an immi-
20 nent danger of physical injury to the student,
21 school personnel, or others;

22 (B) less restrictive interventions would be
23 ineffective in stopping such imminent danger of
24 physical injury;

1 (C) such physical restraint or seclusion is
2 imposed by school personnel who—

3 (i) continuously monitor the student
4 face-to-face; or

5 (ii) if school personnel safety is sig-
6 nificantly compromised by such face-to-face
7 monitoring, are in continuous direct visual
8 contact with the student;

9 (D) such physical restraint or seclusion is
10 imposed by—

11 (i) school personnel trained and cer-
12 tified by a State-approved crisis interven-
13 tion training program (as defined in sec-
14 tion 4(16)); or

15 (ii) other school personnel in the case
16 of a rare and clearly unavoidable emer-
17 gency circumstance when school personnel
18 trained and certified as described in clause
19 (i) are not immediately available due to the
20 unforeseeable nature of the emergency cir-
21 cumstance; and

22 (E) such physical restraint or seclusion
23 ends immediately upon the cessation of the con-
24 ditions described in subparagraphs (A) and (B).

1 (3) States, in consultation with local edu-
2 cational agencies and private school officials, shall
3 ensure that a sufficient number of personnel are
4 trained and certified by a State-approved crisis
5 intervention training program (as defined in section
6 4(16)) to meet the needs of the specific student pop-
7 ulation in each school.

8 (4) The use of physical restraint or seclusion as
9 a planned intervention shall not be written into a
10 student's education plan, individual safety plan, be-
11 havioral plan, or individualized education program
12 (as defined in section 602 of the Individuals with
13 Disabilities Education Act (20 U.S.C. 1401)). Local
14 educational agencies or schools may establish poli-
15 cies and procedures for use of physical restraint or
16 seclusion in school safety or crisis plans, provided
17 that such school plans are not specific to any indi-
18 vidual student.

19 (5) Schools shall establish procedures to be fol-
20 lowed after each incident involving the imposition of
21 physical restraint or seclusion upon a student, in-
22 cluding—

23 (A) procedures to provide to the parent of
24 the student, with respect to each such inci-
25 dent—

1 (i) an immediate verbal or electronic
2 communication on the same day as the in-
3 cident; and

4 (ii) written notification within 24
5 hours of the incident; and

6 (B) any other procedures the Secretary de-
7 termines appropriate.

8 (b) SECRETARY OF THE INTERIOR.—The Secretary
9 of the Interior shall ensure that schools operated or fund-
10 ed by the Department of the Interior comply with the reg-
11 ulations promulgated by the Secretary under subsection
12 (a).

13 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
14 tion shall be construed to authorize the Secretary to pro-
15 mulgate regulations prohibiting the use of—

16 (1) time out (as defined in section 4(20));

17 (2) devices implemented by trained school per-
18 sonnel, or utilized by a student, for the specific and
19 approved therapeutic or safety purposes for which
20 such devices were designed and, if applicable, pre-
21 scribed, including—

22 (A) restraints for medical immobilization;

23 (B) adaptive devices or mechanical sup-
24 ports used to achieve proper body position, bal-
25 ance, or alignment to allow greater freedom of

1 mobility than would be possible without the use
2 of such devices or mechanical supports; or

3 (C) vehicle safety restraints when used as
4 intended during the transport of a student in a
5 moving vehicle; or

6 (3) handcuffs by school resource officers (as
7 such term is defined in section 4151(11) of the Ele-
8 mentary and Secondary Education Act of 1965 (20
9 U.S.C. 7161(11)))—

10 (A) in the—

11 (i) case when a student’s behavior
12 poses an imminent danger of physical in-
13 jury to the student, school personnel, or
14 others; or

15 (ii) lawful exercise of law enforcement
16 duties; and

17 (B) less restrictive interventions would be
18 ineffective.

19 **SEC. 6. STATE PLAN AND REPORT REQUIREMENTS AND EN-**
20 **FORCEMENT.**

21 (a) STATE PLAN.—Not later than 2 years after the
22 Secretary promulgates regulations pursuant to section
23 5(a), and each year thereafter, each State educational
24 agency shall submit to the Secretary a State plan that pro-
25 vides—

1 (1) assurances to the Secretary that the State
2 has in effect—

3 (A) State policies and procedures that
4 meet the minimum standards, including the
5 standards with respect to State-approved crisis
6 intervention training programs, established by
7 regulations promulgated pursuant to section
8 5(a); and

9 (B) a State mechanism to effectively mon-
10 itor and enforce the minimum standards;

11 (2) a description of the State policies and pro-
12 cedures, including a description of the State-ap-
13 proved crisis intervention training programs in such
14 State; and

15 (3) a description of the State plans to ensure
16 school personnel and parents, including private
17 school personnel and parents, are aware of the State
18 policies and procedures.

19 (b) REPORTING.—

20 (1) REPORTING REQUIREMENTS.—Not later
21 than 2 years after the date the Secretary promul-
22 gates regulations pursuant to section 5(a), and each
23 year thereafter, each State educational agency shall
24 (in compliance with the requirements of section 444
25 of the General Education Provisions Act (commonly

1 known as the “Family Educational Rights and Pri-
2 vacy Act of 1974”) (20 U.S.C. 1232g)) prepare and
3 submit to the Secretary, and make available to the
4 public, a report that includes the information de-
5 scribed in paragraph (2), with respect to each local
6 educational agency, and each school not under the
7 jurisdiction of a local educational agency, located in
8 the same State as such State educational agency.

9 (2) INFORMATION REQUIREMENTS.—

10 (A) GENERAL INFORMATION REQUIRE-
11 MENTS.—The report described in paragraph (1)
12 shall include information on—

13 (i) the total number of incidents in
14 the preceding full-academic year in which
15 physical restraint was imposed upon a stu-
16 dent; and

17 (ii) the total number of incidents in
18 the preceding full-academic year in which
19 seclusion was imposed upon a student.

20 (B) DISAGGREGATION.—

21 (i) GENERAL DISAGGREGATION RE-
22 QUIREMENTS.—The information described
23 in subparagraph (A) shall be disaggregated
24 by—

1 (I) the total number of incidents
2 in which physical restraint or seclu-
3 sion was imposed upon a student—

4 (aa) that resulted in injury;

5 (bb) that resulted in death;

6 and

7 (cc) in which the school per-
8 sonnel imposing physical re-
9 straint or seclusion were not
10 trained and certified as described
11 in section 5(a)(2)(D)(i); and

12 (II) the demographic characteris-
13 tics of all students upon whom phys-
14 ical restraint or seclusion was im-
15 posed, including—

16 (aa) the categories identified
17 in section 1111(h)(1)(C)(i) of the
18 Elementary and Secondary Edu-
19 cation Act of 1965 (20 U.S.C.
20 6311(h)(1)(C)(i));

21 (bb) age; and

22 (cc) disability status (which
23 has the meaning given the term
24 “individual with a disability” in
25 section 7(20) of the Rehabilita-

1 tion Act of 1973 (29 U.S.C.
2 705(20)).

3 (ii) UNDUPLICATED COUNT; EXCEP-
4 TION.—The disaggregation required under
5 clause (i) shall—

6 (I) be carried out in a manner to
7 ensure an unduplicated count of the—

8 (aa) total number of inci-
9 dents in the preceding full-aca-
10 demic year in which physical re-
11 straint was imposed upon a stu-
12 dent; and

13 (bb) total number of inci-
14 dents in the preceding full-aca-
15 demic year in which seclusion
16 was imposed upon a student; and

17 (II) not be required in a case in
18 which the number of students in a
19 category would reveal personally iden-
20 tifiable information about an indi-
21 vidual student.

22 (c) ENFORCEMENT.—

23 (1) IN GENERAL.—

1 (A) USE OF REMEDIES.—If a State edu-
2 cational agency fails to comply with subsection
3 (a) or (b), the Secretary shall—

4 (i) withhold, in whole or in part, fur-
5 ther payments under an applicable pro-
6 gram (as such term is defined in section
7 400(c) of the General Education Provi-
8 sions Act (20 U.S.C. 1221)) in accordance
9 with section 455 of such Act (20 U.S.C.
10 1234d);

11 (ii) require a State educational agency
12 to submit, and implement, within 1 year of
13 such failure to comply, a corrective plan of
14 action, which may include redirection of
15 funds received under an applicable pro-
16 gram; or

17 (iii) issue a complaint to compel com-
18 pliance of the State educational agency
19 through a cease and desist order, in the
20 same manner the Secretary is authorized
21 to take such action under section 456 of
22 the General Education Provisions Act (20
23 U.S.C. 1234e).

24 (B) CESSATION OF WITHHOLDING OF
25 FUNDS.—Whenever the Secretary determines

1 (whether by certification or other appropriate
2 evidence) that a State educational agency who
3 is subject to the withholding of payments under
4 subparagraph (A)(i) has cured the failure pro-
5 viding the basis for the withholding of pay-
6 ments, the Secretary shall cease the withholding
7 of payments with respect to the State edu-
8 cational agency under such subparagraph.

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

13 **SEC. 7. GRANT AUTHORITY.**

14 (a) **IN GENERAL.**—From the amount appropriated
15 under section 12, the Secretary may award grants to State
16 educational agencies to assist the agencies in—

17 (1) establishing, implementing, and enforcing
18 the policies and procedures to meet the minimum
19 standards established by regulations promulgated by
20 the Secretary pursuant to section 5(a);

21 (2) improving State and local capacity to collect
22 and analyze data related to physical restraint and
23 seclusion; and

1 (3) improving school climate and culture by im-
2 plementing school-wide positive behavior support ap-
3 proaches.

4 (b) DURATION OF GRANT.—A grant under this sec-
5 tion shall be awarded to a State educational agency for
6 a 3-year period.

7 (c) APPLICATION.—Each State educational agency
8 desiring a grant under this section shall submit an appli-
9 cation to the Secretary at such time, in such manner, and
10 accompanied by such information as the Secretary may
11 require, including information on how the State edu-
12 cational agency will target resources to schools and local
13 educational agencies in need of assistance related to pre-
14 venting and reducing physical restraint and seclusion.

15 (d) AUTHORITY TO MAKE SUBGRANTS.—

16 (1) IN GENERAL.—A State educational agency
17 receiving a grant under this section may use such
18 grant funds to award subgrants, on a competitive
19 basis, to local educational agencies.

20 (2) APPLICATION.—A local educational agency
21 desiring to receive a subgrant under this section
22 shall submit an application to the applicable State
23 educational agency at such time, in such manner,
24 and containing such information as the State edu-
25 cational agency may require.

1 (e) PRIVATE SCHOOL PARTICIPATION.—

2 (1) IN GENERAL.—A local educational agency
3 receiving subgrant funds under this section shall,
4 after timely and meaningful consultation with appro-
5 priate private school officials, ensure that private
6 school personnel can participate, on an equitable
7 basis, in activities supported by grant or subgrant
8 funds.

9 (2) PUBLIC CONTROL OF FUNDS.—The control
10 of funds provided under this section, and title to ma-
11 terials, equipment, and property purchased with
12 such funds, shall be in a public agency, and a public
13 agency shall administer such funds, materials, equip-
14 ment, and property.

15 (f) REQUIRED ACTIVITIES.—A State educational
16 agency receiving a grant, or a local educational agency re-
17 ceiving a subgrant, under this section shall use such grant
18 or subgrant funds to carry out the following:

19 (1) Researching, developing, implementing, and
20 evaluating strategies, policies, and procedures to pre-
21 vent and reduce physical restraint and seclusion in
22 schools, consistent with the minimum standards es-
23 tablished by regulations promulgated by the Sec-
24 retary pursuant to section 5(a).

1 (2) Providing professional development, train-
2 ing, and certification for school personnel to meet
3 such standards.

4 (3) Carrying out the reporting requirements
5 under section 6(b) and analyzing the information in-
6 cluded in a report prepared under such section to
7 identify student, school personnel, and school needs
8 related to use of physical restraint and seclusion.

9 (g) ADDITIONAL AUTHORIZED ACTIVITIES.—In addi-
10 tion to the required activities described in subsection (f),
11 a State educational agency receiving a grant, or a local
12 educational agency receiving a subgrant, under this sec-
13 tion may use such grant or subgrant funds for one or more
14 of the following:

15 (1) Developing and implementing high-quality
16 professional development and training programs to
17 implement evidence-based systematic approaches to
18 school-wide positive behavior supports, including im-
19 proving coaching, facilitation, and training capacity
20 for administrators, teachers, specialized instructional
21 support personnel, and other staff.

22 (2) Providing technical assistance to develop
23 and implement evidence-based systematic approaches
24 to school-wide positive behavior supports, including
25 technical assistance for data-driven decisionmaking

1 related to behavioral supports and interventions in
2 the classroom.

3 (3) Researching, evaluating, and disseminating
4 high-quality evidence-based programs and activities
5 that implement school-wide positive behavior sup-
6 ports with fidelity.

7 (4) Supporting other local positive behavior
8 support implementation activities consistent with
9 this subsection.

10 (h) EVALUATION AND REPORT.—Each State edu-
11 cational agency receiving a grant under this section shall,
12 at the end of the 3-year grant period for such grant—

13 (1) evaluate the State’s progress toward the
14 prevention and reduction of physical restraint and
15 seclusion in the schools located in the State, con-
16 sistent with the minimum standards established by
17 regulations promulgated by the Secretary pursuant
18 to section 5(a); and

19 (2) submit to the Secretary a report on such
20 progress.

21 (i) DEPARTMENT OF THE INTERIOR.—From the
22 amount appropriated under section 12, the Secretary may
23 allocate funds to the Secretary of the Interior for activities
24 under this section with respect to schools operated or

1 funded by the Department of the Interior, under such
2 terms as the Secretary of Education may prescribe.

3 **SEC. 8. NATIONAL ASSESSMENT.**

4 (a) NATIONAL ASSESSMENT.—The Secretary shall
5 carry out a national assessment to determine the effective-
6 ness of this Act, which shall include—

7 (1) analyzing data related to physical restraint
8 and seclusion incidents;

9 (2) analyzing the effectiveness of Federal,
10 State, and local efforts to prevent and reduce the
11 number of physical restraint and seclusion incidents
12 in schools;

13 (3) identifying the types of programs and serv-
14 ices that have demonstrated the greatest effective-
15 ness in preventing and reducing the number of phys-
16 ical restraint and seclusion incidents in schools; and

17 (4) identifying evidence-based personnel train-
18 ing models with demonstrated success in preventing
19 and reducing the number of physical restraint and
20 seclusion incidents in schools, including models that
21 emphasize positive behavior supports and de-esca-
22 lation techniques over physical intervention.

23 (b) REPORT.—The Secretary shall submit to the
24 Committee on Education and the Workforce of the House

1 of Representatives and the Committee on Health, Edu-
2 cation, Labor, and Pensions of the Senate—

3 (1) not later than 3 years after the date of en-
4 actment of this Act, an interim report that summa-
5 rizes the preliminary findings of the assessment de-
6 scribed in subsection (a); and

7 (2) not later than 5 years after the date of the
8 enactment of this Act, a final report of the findings
9 of the assessment.

10 **SEC. 9. PROTECTION AND ADVOCACY SYSTEMS.**

11 Protection and Advocacy Systems shall have the same
12 authorities and rights provided under subtitle C of title
13 I of the Developmental Disabilities Assistance and Bill of
14 Rights Act of 2000 (42 U.S.C. 15041 et seq.) with respect
15 to protections provided for students under this Act, includ-
16 ing investigating, monitoring, and enforcing such protec-
17 tions.

18 **SEC. 10. HEAD START PROGRAMS.**

19 (a) REGULATIONS.—The Secretary of Health and
20 Human Services, in consultation with the Secretary, shall
21 promulgate regulations with respect to Head Start agen-
22 cies administering Head Start programs under the Head
23 Start Act (42 U.S.C. 9801 et seq.) that establish require-
24 ments consistent with—

1 (1) the requirements established by regulations
2 promulgated pursuant to section 5(a); and

3 (2) the reporting and enforcement requirements
4 described in subsections (b) and (c) of section 6.

5 (b) GRANT AUTHORITY.—From the amount appro-
6 priated under section 12, the Secretary may allocate funds
7 to the Secretary of Health and Human Services to assist
8 the Head Start agencies in establishing, implementing,
9 and enforcing policies and procedures to meet the require-
10 ments established by regulations promulgated pursuant to
11 subsection (a).

12 **SEC. 11. LIMITATION OF AUTHORITY.**

13 (a) IN GENERAL.—Nothing in this Act shall be con-
14 strued to restrict or limit, or allow the Secretary to restrict
15 or limit, any other rights or remedies otherwise available
16 to students or parents under Federal or State law or regu-
17 lation.

18 (b) APPLICABILITY.—

19 (1) PRIVATE SCHOOLS.—Nothing in this Act
20 shall be construed to affect any private school that
21 does not receive, or does not serve students who re-
22 ceive, support in any form from any program sup-
23 ported, in whole or in part, with funds appropriated
24 to the Department of Education.

1 (2) HOME SCHOOLS.—Nothing in this Act shall
2 be construed to—

3 (A) affect a home school, whether or not a
4 home school is treated as a private school or
5 home school under State law; or

6 (B) consider parents who are schooling a
7 child at home as school personnel.

8 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

9 There are authorized to be appropriated such sums
10 as may be necessary to carry out this Act for fiscal year
11 2016 and each of the 4 succeeding fiscal years.

12 **SEC. 13. PRESUMPTION OF CONGRESS RELATING TO COM-**
13 **PETITIVE PROCEDURES.**

14 (a) PRESUMPTION.—It is the presumption of Con-
15 gress that grants awarded under this Act will be awarded
16 using competitive procedures based on merit.

17 (b) REPORT TO CONGRESS.—If grants are awarded
18 under this Act using procedures other than competitive
19 procedures, the Secretary shall submit to Congress a re-
20 port explaining why competitive procedures were not used.

21 **SEC. 14. PROHIBITION ON EARMARKS.**

22 None of the funds appropriated to carry out this Act
23 may be used for a congressional earmark as defined in

1 clause 9e, of rule XXI of the Rules of the House of Rep-
2 resentatives of the 114th Congress.

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