

**AMENDMENT IN THE NATURE OF A SUBSTITUTE  
TO H.R. 4247  
OFFERED BY MR. GEORGE MILLER OF  
CALIFORNIA**

Strike all after the enacting clause and insert the following:

**1 SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Preventing Harmful  
3 Restraint and Seclusion in Schools Act”.

**4 SEC. 2. FINDINGS.**

5 Congress finds the following:

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

13 (2) Behavioral interventions for children must  
14 promote the right of all children to be treated with  
15 dignity. All children have the right to be free from  
16 physical or mental abuse, aversive behavioral inter-  
17 ventions that compromise health and safety, and any

1 physical restraint or seclusion imposed solely for  
2 purposes of discipline or convenience.

3 (3) Safe, effective, evidence-based strategies are  
4 available to support children who display challenging  
5 behaviors in school settings. Staff training focused  
6 on the dangers of physical restraint and seclusion as  
7 well as training in evidence-based positive behavior  
8 supports, de-escalation techniques, and physical re-  
9 straint and seclusion prevention, can reduce the inci-  
10 dence of injury, trauma, and death.

11 (4) School personnel have the right to work in  
12 a safe environment and should be provided training  
13 and support to prevent injury and trauma to them-  
14 selves and others.

15 (5) Despite the widely recognized risks of phys-  
16 ical restraint and seclusion, a substantial disparity  
17 exists among many States and localities with regard  
18 to the protection and oversight of the rights of chil-  
19 dren and school personnel to a safe learning environ-  
20 ment.

21 (6) Children are subjected to physical restraint  
22 and seclusion at higher rates than adults. Physical  
23 restraint which restricts breathing or causes other  
24 body trauma, as well as seclusion in the absence of

1 continuous face-to-face monitoring, have resulted in  
2 the deaths of children in schools.

3 (7) Children are protected from inappropriate  
4 physical restraint and seclusion in other settings,  
5 such as hospitals, health facilities, and non-medical  
6 community-based facilities. Similar protections are  
7 needed in schools, yet such protections must ac-  
8 knowledge the differences of the school environment.

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

14 (9) The effective implementation of school-wide  
15 positive behavior supports is linked to greater aca-  
16 demic achievement, significantly fewer disciplinary  
17 problems, increased instruction time, and staff per-  
18 ception of a safer teaching environment.

19 **SEC. 3. PURPOSES.**

20 The purposes of this Act are to—

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

23 (2) ensure the safety of all students and per-  
24 sonnel in schools and promote a positive school cul-  
25 ture and climate;

- 1           (3) protect students from—
- 2                 (A) physical or mental abuse;
- 3                 (B) aversive behavioral interventions that
- 4                 compromise health and safety; and
- 5                 (C) any physical restraint or seclusion im-
- 6                 posed solely for purposes of discipline or con-
- 7                 venience;
- 8           (4) ensure that physical restraint and seclusion
- 9           are imposed in school only when a student's behavior
- 10           poses an imminent danger of physical injury to the
- 11           student, school personnel, or others; and
- 12           (5) assist States, local educational agencies,
- 13           and schools in—
- 14                 (A) establishing policies and procedures to
- 15                 keep all students and school personnel safe, in-
- 16                 cluding students with the most complex and in-
- 17                 tensive behavioral needs;
- 18                 (B) providing school personnel with the
- 19                 necessary tools, training, and support to ensure
- 20                 the safety of all students and all school per-
- 21                 sonnel;
- 22                 (C) collecting and analyzing data on phys-
- 23                 ical restraint and seclusion in schools; and

1 (D) identifying and implementing effective  
2 evidence-based models to prevent and reduce  
3 physical restraint and seclusion in schools.

4 **SEC. 4. DEFINITIONS.**

5 In this Act:

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

10 (A) prescribed by a licensed physician for  
11 the standard treatment of a student’s medical  
12 or psychiatric condition; and

13 (B) administered as prescribed by the li-  
14 censed physician.

15 (2) **EDUCATIONAL SERVICE AGENCY.**—The  
16 term “educational service agency” has the meaning  
17 given such term in section 9101(17) of the Elemen-  
18 tary and Secondary Education Act of 1965 (20  
19 U.S.C. 7801(17)).

includes nonprofit schools

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

24 (4) **LOCAL EDUCATIONAL AGENCY.**—The term  
25 “local educational agency” has the meaning given

1 the term in section 9101(26) of the Elementary and  
2 Secondary Education Act of 1965 (20 U.S.C.  
3 7801(26)).

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

10 (6) PARENT.—The term “parent” has the  
11 meaning given the term in section 9101(31) of the  
12 Elementary and Secondary Education Act of 1965  
13 (20 U.S.C. 7801(31)).

14 (7) PHYSICAL ESCORT.—The term “physical es-  
15 cort” has the meaning given the term in section  
16 595(d)(2) of the Public Health Service Act (42  
17 U.S.C. 290jj(d)(2)), except that the meaning shall  
18 be applied by substituting “student” for “resident”.

19 (8) PHYSICAL RESTRAINT.—The term “physical  
20 restraint” has the meaning given the term in section  
21 595(d)(3) of the Public Health Service Act (42  
22 U.S.C. 290jj(d)(3)).

23 (9) POSITIVE BEHAVIOR SUPPORT.—The term “positive behavior support”  
24 “positive behavior support” means a personal

25 approach to embed evidence-based practices and data-

The term "physical restraint" means a personal restriction that immobilizes or reduces the ability of an individual to move his or her arms, legs, or head freely. Such term does not include a physical escort.

1 driven decisionmaking to improve school climate and  
2 culture, including a range of systemic and individ-  
3 ualized strategies to reinforce desired behaviors and  
4 diminish reoccurrence of problem behaviors, in order  
5 to achieve improved academic and social outcomes  
6 and increase learning for all students, including  
7 those with the most complex and intensive behav-  
8 ioral needs.

9 (10) PROTECTION AND ADVOCACY SYSTEM.—  
10 The term “protection and advocacy system” means  
11 a protection and advocacy system established under  
12 section 143 of the Developmental Disabilities Assist-  
13 ance and Bill of Rights Act of 2000 (42 U.S.C.  
14 15043).

15 (11) SCHOOL.—The term “school” means an  
16 entity—

17 (A) that—

18 (i) is a public or private—

19 (I) day or residential elementary  
20 school or secondary school; or

21 (II) early childhood, elementary  
22 school, or secondary school program

23 that is under the jurisdiction of a  
24 school, educational service agency, or

1 other educational institution or pro-  
2 gram; and

3 (ii) receives, or serves students who  
4 receive, support in any form from any pro-  
5 gram supported, in whole or in part, with  
6 funds appropriated to the Department of  
7 Education; or

8 (B) that is a school funded or operated by  
9 the Department of the Interior.

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

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

15 (B) given the term “school resource offi-  
16 cer” in section 4151(11) of the Elementary and  
17 Secondary Education Act of 1965 (20 U.S.C.  
18 7161(11)).

includes nonprofit schools

19 (13) SECONDARY SCHOOL.—The term sec-  
20 ondary school has the meaning given such term in  
21 section 9101(38) of the Elementary and Secondary  
22 Education Act of 1965 (20 U.S.C. 7801(38)).

23 (14) SECLUSION.—The term “seclusion” has  
24 the meaning given the term in section 595(d)(4) of

1 the Public Health Service Act (42 U.S.C.  
2 290jj(d)(4)).

3 (15) SECRETARY.—The term “Secretary”  
4 means the Secretary of Education.

5 (16) STATE-APPROVED CRISIS INTERVENTION  
6 TRAINING PROGRAM.—The term “State-approved  
7 crisis intervention training program” means a train-  
8 ing program approved by a State and the Secretary  
9 that, at a minimum, provides—

10 (A) evidence-based techniques shown to be  
11 effective in the prevention of physical restraint  
12 and seclusion;

13 (B) evidence-based techniques shown to be  
14 effective in keeping both school personnel and  
15 students safe when imposing physical restraint  
16 or seclusion;

17 (C) evidence-based skills training related to  
18 positive behavior supports, safe physical escort,  
19 conflict prevention, understanding antecedents,  
20 de-escalation, and conflict management;

21 (D) first aid and cardiopulmonary resus-  
22 citation;

23 (E) information describing State policies  
24 and procedures that meet the minimum stand-

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

3                   (F) certification for school personnel in the  
4           techniques and skills described in subpara-  
5           graphs (A) through (D), which shall be required  
6           to be renewed on a periodic basis.

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

11           (18) STATE EDUCATIONAL AGENCY.—The term  
12          “State educational agency” has the meaning given  
13          such term in section 9101(41) of the Elementary  
14          and Secondary Education Act of 1965 (20 U.S.C.  
15          7801(41)).

16           (19) STUDENT.—The term “student” means a  
17          student enrolled in a school defined in section 11,  
18          except that in the case of a private school or private  
19          program, such term means a student enrolled in  
20          such school or program who receives support in any  
21          form from any program supported, in whole or in  
22          part, with funds appropriated to the Department of  
23          Education.

24           (20) TIME OUT.—The term “time out” has the  
25          meaning given the term in section 595(d)(5) of the

1 Public Health Service Act (42 U.S.C. 290jj(d)(5)),  
2 except that the meaning shall be applied by sub-  
3 stituting “student” for “resident”.

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

5 (a) MINIMUM STANDARDS.—Not later than 180 days  
6 after the date of the enactment of this Act, in order to  
7 protect each student from physical or mental abuse, aver-  
8 sive behavioral interventions that compromise student  
9 health and safety, or any physical restraint or seclusion  
10 imposed solely for purposes of discipline or convenience  
11 or in a manner otherwise inconsistent with this Act, the  
12 Secretary shall promulgate regulations establishing the  
13 following minimum standards:

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

16 (A) Mechanical restraints.

17 (B) Chemical restraints.

18 (C) Physical restraint or physical escort  
19 that restricts breathing.

20 (D) Aversive behavioral interventions that  
21 compromise health and safety.

22 (2) School personnel shall be prohibited from  
23 imposing physical restraint or seclusion on a student  
24 unless—

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

4 (B) less restrictive interventions would be  
5 ineffective in stopping such imminent danger of  
6 physical injury;

7 (C) such physical restraint or seclusion is  
8 imposed by school personnel who—

9 (i) continuously monitor the student  
10 face-to-face; or

11 (ii) if school personnel safety is sig-  
12 nificantly compromised by such face-to-face  
13 monitoring, are in continuous direct visual  
14 contact with the student;

15 (D) such physical restraint or seclusion is  
16 imposed by—

17 (i) school personnel trained and cer-  
18 tified by a State-approved crisis interven-  
19 tion training program, as defined in sec-  
20 tion 4(16)); or

21 (ii) other school personnel in the case  
22 of a rare and clearly unavoidable emer-  
23 gency circumstance when school personnel  
24 trained and certified as described in clause

25 (i) are not immediately available due to the

1                   unforeseeable nature of the emergency cir-  
2                   cumstance; and

3                   (E) such physical restraint or seclusion  
4                   end immediately upon the cessation of the con-  
5                   ditions described in subparagraphs (A) and (B).

6                   (3) States and local educational agencies shall  
7                   ensure that a sufficient number of personnel are  
8                   trained and certified by a State-approved crisis  
9                   intervention training program (as defined in section  
10                  4(16)) to meet the needs of the specific student pop-  
11                  ulation in each school.

12                  (4) The use of physical restraint or seclusion as  
13                  a planned intervention shall not be written into a  
14                  student's education plan, individual safety plan, be-  
15                  havioral plan, or individualized education program  
16                  (as defined in section 602 of the Individuals with  
17                  Disabilities Act (20 U.S.C. 1401)). Local edu-  
18                  cational agencies or schools may establish policies  
19                  and procedures for use of physical restraint or seclu-  
20                  sion in school safety or crisis plans, provided that  
21                  such school plans are not specific to any individual  
22                  student.

23                  (5) Schools shall establish procedures to be fol-  
24                  lowed after each incident involving the imposition of

1 physical restraint or seclusion upon a student, in-  
2 cluding—

3 (A) procedures to provide to the parent of  
4 the student, with respect to each such inci-  
5 dent—

6 (i) an immediate verbal or electronic  
7 communication on the same day as each  
8 such incident; and

9 (ii) within 24 hours of each such inci-  
10 dent, written notification; and

11 (B) any other procedures the Secretary de-  
12 termines appropriate.

13 (b) SECRETARY OF THE INTERIOR.—The Secretary  
14 of the Interior shall ensure that schools operated or fund-  
15 ed by the Department of the Interior comply with the reg-  
16 ulations promulgated by the Secretary under subsection  
17 (a).

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

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

22 (2) devices implemented by a trained school  
23 personnel, or utilized by a student, for the specific  
24 and approved therapeutic or safety purposes for

1       which such devices were designed and, if applicable,  
2       prescribed, including—

3               (A) restraints for medical immobilization;

4               (B) adaptive devices or mechanical sup-  
5       ports used to achieve proper body position, bal-  
6       ance, or alignment to allow greater freedom of  
7       mobility than would be possible without the use  
8       of such devices or mechanical supports; or

9               (C) vehicle safety restraints when used as  
10       intended during the transport of a student in a  
11       moving vehicle; or

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

16               (A) in the—

17                       (i) case when a student's behavior  
18       poses an imminent danger of physical in-  
19       jury to the student, school personnel, or  
20       others; or

21                       (ii) lawful exercise of law enforcement  
22       duties; and

23       (B) less restrictive interventions would be  
24       ineffective.

1 **SEC. 6. STATE PLAN AND REPORT REQUIREMENTS AND EN-**  
2 **FORCEMENT.**

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

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

10 (A) State policies and procedures that  
11 meet the minimum standards, including the  
12 standards with respect to State-approved crisis  
13 intervention training programs, established by  
14 regulations promulgated pursuant to section  
15 5(a); and

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

18 (2) a description of the State policies and pro-  
19 cedures, including a description of the State-ap-  
20 proved crisis intervention training programs in such  
21 State; and

22 (3) a description of the State plans to ensure  
23 school personnel and parents, including private  
24 school personnel and parents, are aware of the State  
25 policies and procedures.

26 (b) REPORTING.—

1           (1) REPORTING REQUIREMENTS.—Not later  
2 than 2 years after the date the Secretary promul-  
3 gates regulations pursuant to section 5(a), and each  
4 year thereafter, each State educational agency shall  
5 (in compliance with the requirements of section 444  
6 of the General Education Provisions Act (commonly  
7 known as the “Family Educational Rights and Pri-  
8 vacy Act of 1974”) (20 U.S.C. 1232g)) prepare and  
9 submit to the Secretary, and make available to the  
10 public, a report with respect to each local edu-  
11 cational agency, and each school not under the juris-  
12 diction of a local educational agency, located in the  
13 same State as such State educational agency, that  
14 includes the information described in paragraph (2).

15           (2) INFORMATION REQUIREMENTS.—

16           (A) GENERAL INFORMATION REQUIRE-  
17 MENTS.—The report described in paragraph (1)  
18 shall include information on—

19                   (i) the total number of incidents in  
20 the preceding full-academic year in which  
21 physical restraint was imposed upon a stu-  
22 dent; and

23                   (ii) the total number of incidents in  
24 the preceding full-academic year in which  
25 seclusion was imposed upon a student.

1 (B) DISAGGREGATION.—

2 (i) GENERAL DISAGGREGATION RE-  
3 QUIREMENTS.—The information described  
4 in subparagraph (A) shall be disaggregated  
5 by—

6 (I) the total number of incidents  
7 in which physical restraint or seclu-  
8 sion was imposed upon a student—

9 (aa) that resulted in injury;

10 (bb) that resulted in death;

11 and

12 (cc) in which the school per-  
13 sonnel imposing physical re-  
14 straint or seclusion were not  
15 trained and certified as described  
16 in section 5(a)(2)(D)(i); and

17 (II) the demographic characteris-  
18 tics of all students upon whom phys-  
19 ical restraint or seclusion was im-  
20 posed, including—

21 (aa) the categories identified  
22 in section 1111(h)(1)(C)(i) of the  
23 Elementary and Secondary Edu-  
24 cation Act of 1965 (20 U.S.C.  
25 6311(h)(1)(C)(i));

1 (bb) age; and  
2 (cc) disability status (which  
3 has the meaning given the term  
4 “individual with a disability” in  
5 section 7(20) of the Rehabilita-  
6 tion Act of 1973 (29 U.S.C.  
7 705(20))).

8 (ii) UNDUPLICATED COUNT; EXCEP-  
9 TION.—The disaggregation required under  
10 clause (i) shall—

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

13 (aa) total number of inci-  
14 dents in the preceding full-aca-  
15 demic year in which physical re-  
16 straint was imposed upon a stu-  
17 dent; and

18 (bb) total number of inci-  
19 dents in the preceding full-aca-  
20 demic year in which seclusion  
21 was imposed upon a student; and

22 (II) not be required in a case in  
23 which the number of students in a  
24 category would reveal personally iden-

1                   tifiable information about an indi-  
2                   vidual student.

3           (c) ENFORCEMENT.—

4               (1) IN GENERAL.—

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

8                       (i) withhold, in whole or in part, fur-  
9                       ther payments under an applicable pro-  
10                      gram (as such term is defined in section  
11                      400(c) of the General Education Provi-  
12                      sions Act (20 U.S.C. 1221)) in accordance  
13                      with section 455 of such Act (20 U.S.C.  
14                      1234d);

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

21                      (iii) issue a complaint to compel com-  
22                      pliance of the State educational agency  
23                      through a cease and desist order, in the  
24                      same manner the Secretary is authorized  
25                      to take such action under section 456 of

1           the General Education Provisions Act (20  
2           U.S.C. 1234e).

3           (B) CESSATION OF WITHHOLDING OF  
4           FUNDS.—Whenever the Secretary determines  
5           (whether by certification or other appropriate  
6           evidence) that a State educational agency who  
7           is subject to the withholding of payments under  
8           subparagraph (A)(i) has cured the failure pro-  
9           viding the basis for the withholding of pay-  
10          ments, the Secretary shall cease the withholding  
11          of payments with respect to the State edu-  
12          cational agency under such subparagraph.

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

17 **SEC. 7. GRANT AUTHORITY.**

18          (a) IN GENERAL.—From the amount appropriated  
19          under section 12, the Secretary may award grants to State  
20          educational agencies to assist the agencies in—

21               (1) establishing, implementing, and enforcing  
22               the policies and procedures to meet the minimum  
23               standards established by regulations promulgated by  
24               the Secretary pursuant to section 5(a);

1           (2) improving State and local capacity to collect  
2           and analyze data related to physical restraint and  
3           seclusion; and

4           (3) improving school climate and culture by im-  
5           plementing school-wide positive behavior support ap-  
6           proaches.

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

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

18          (d) AUTHORITY TO MAKE SUBGRANTS.—

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

23                (2) APPLICATION.—A local educational agency  
24                desiring to receive a subgrant under this section  
25                shall submit an application to the applicable State

1 educational agency at such time, in such manner,  
2 and containing such information as the State edu-  
3 cational agency may require.

4 (e) PRIVATE SCHOOL PARTICIPATION.—

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

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

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

22 (1) Researching, developing, implementing, and  
23 evaluating strategies, policies, and procedures to pre-  
24 vent and reduce physical restraint and seclusion in  
25 schools, consistent with the minimum standards es-

1        established by regulations promulgated by the Sec-  
2        retary pursuant to section 5(a).

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

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

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

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

24            (2) Providing technical assistance to develop  
25        and implement evidence-based systematic approaches

1 to school-wide positive behavior supports, including  
2 technical assistance for data-driven decision-making  
3 related to behavioral supports and interventions in  
4 the classroom.

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

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

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

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

21 (2) submit to the Secretary a report on such  
22 progress.

23 (i) DEPARTMENT OF THE INTERIOR.—From the  
24 amount appropriated under section 12, the Secretary may  
25 allocate funds to the Secretary of the Interior for activities

1 under this section with respect to schools operated or  
2 funded by the Department of the Interior, under such  
3 terms as the Secretary of Education may prescribe.

4 **SEC. 8. NATIONAL ASSESSMENT.**

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

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

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

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

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

24 (b) REPORT.—The Secretary shall submit to the  
25 Committee on Education and Labor of the House of Rep-

1 representatives and the Committee on Health, Education,  
2 Labor, and Pensions of the Senate—

3           (1) an interim report that summarizes the pre-  
4           liminary findings of the assessment described in sub-  
5           section (a) not later than 3 years after the date of  
6           enactment of this Act; and

7           (2) a final report of the findings of the assess-  
8           ment not later than 5 years after the date of the en-  
9           actment of this Act.

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

11           Protection and Advocacy Systems shall have the au-  
12           thority provided under section 143 of the Developmental  
13           Disabilities Assistance and Bill of Rights Act of 2000 (42  
14           U.S.C. 15043) to investigate, monitor, and enforce protec-  
15           tions provided for students under this Act.

16 **SEC. 10. HEAD START PROGRAMS.**

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

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

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

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

10 **SEC. 11. LIMITATION OF AUTHORITY.**

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

16           (b) APPLICABILITY.—

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

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

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

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

6 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

7                   There are authorized to be appropriated such sums  
8                   as may be necessary to carry out this Act for fiscal year  
9                   2011 and each of the 4 succeeding fiscal years.

