

## MOTION TO RECOMMIT WITH INSTRUCTIONS

(Page and line numbers refer to the Rules Committee Print of  
H.R. 5)

\_\_\_\_\_ moves to recommit the bill H.R. 5 to the Committee on Education and the Workforce with instructions to report the same back to the House forthwith, with the following amendment:

Page 23, after line 9, insert the following new subparagraph:

1           “(F) GUARANTEEING EDUCATIONAL OP-  
2           PORTUNITIES FOR CHILDREN WITH AUTISM OR  
3           OTHER DISABILITIES.—Each State plan shall  
4           demonstrate that the academic content stand-  
5           ards and academic achievement standards  
6           adopted under this paragraph do not deny edu-  
7           cational opportunities, adopt lower standards  
8           than the standards adopted for students with-  
9           out disabilities, or otherwise lower expectations  
10          for students with disabilities, including children  
11          with autism.”.

Page 481, after line 22, insert the following:

1 **“SEC. 5552. PROTECTING SCHOOL CHILDREN FROM SEXUAL**  
2 **PREDATORS.**

3 “(a) BACKGROUND CHECKS.—To ensure a safe  
4 learning environment, each State educational agency that  
5 receives funds under this Act shall have in effect policies  
6 and procedures that—

7 “(1) require that criminal background checks  
8 be conducted for each school employee that in-  
9 clude—

10 “(A) a search of the State criminal reg-  
11 istry or repository in the State in which the  
12 school employee resides and each State in which  
13 the school employee previously resided;

14 “(B) a search of State-based child abuse  
15 and neglect registries and databases in the  
16 State in which the school employee resides and  
17 each State in which the school employee pre-  
18 viously resided;

19 “(C) a Federal Bureau of Investigation  
20 fingerprint check using the Integrated Auto-  
21 mated Fingerprint Identification System; and

22 “(D) a search of the National Sex Of-  
23 fender Registry established under section 19 of  
24 the Adam Walsh Child Protection and Safety  
25 Act of 2006 (42 U.S.C. 16919);

1           “(2) prohibit the employment of an individual  
2           as a school employee if such individual—

3           “(A) refuses to consent to a criminal back-  
4           ground check under paragraph (1);

5           “(B) makes a false statement in connec-  
6           tion with such criminal background check;

7           “(C) has been convicted of a felony con-  
8           sisting of—

9           “(i) homicide;

10           “(ii) child abuse or neglect;

11           “(iii) a crime against children, includ-  
12           ing child pornography;

13           “(iv) spousal abuse;

14           “(v) a crime involving rape or sexual  
15           assault;

16           “(vi) kidnapping;

17           “(vii) arson; or

18           “(viii) physical assault, battery, or a  
19           drug-related offense, committed within 5  
20           years of the completion of such individual’s  
21           criminal background check under para-  
22           graph (1); or

23           “(D) has been convicted of any other crime  
24           that is a violent or sexual crime against a  
25           minor;

1           “(3) require that a local educational agency or  
2           State educational agency that receives information  
3           from a criminal background check conducted para-  
4           graph (1) that an individual who has applied for em-  
5           ployment as a school employee with such agency is  
6           a sexual predator, report to local law enforcement  
7           that such individual has so applied;

8           “(4) require that criminal background checks  
9           conducted under paragraph (1) be periodically re-  
10          peated or updated in accordance with State law or  
11          local educational policy, but not less than once every  
12          5 years;

13          “(5) require that each school employee who has  
14          had a criminal background check under paragraph  
15          (1) be provided with a copy of the background  
16          check; and

17          “(6) provide for a timely process by which a  
18          school employee may appeal, but which does not per-  
19          mit the school employee to be employed as a school  
20          employee during such appeal, the results of a crimi-  
21          nal background check conducted under paragraph  
22          (1) to—

23                  “(A) challenge the accuracy or complete-  
24                  ness of the information produced by such back-  
25                  ground check; and

1           “(B) seek appropriate relief for any final  
2           employment decision based on materially inac-  
3           curate or incomplete information produced by  
4           such background check.

5           “(b) INVENTORY AUTHORIZED.—A State educational  
6           agency may maintain an inventory of all the information  
7           from criminal background checks conducted under sub-  
8           section (a)(1) on school employees in the State.

9           “(c) DEFINITIONS.—In this section:

10           “(1) SCHOOL EMPLOYEE.—The term ‘school  
11           employee’ means—

12                   “(A) an employee of, or a person seeking  
13                   employment with, a local educational agency or  
14                   State educational agency, and who has a job  
15                   duty that results in access to students; or

16                   “(B) an employee of, or a person seeking  
17                   employment with, a for-profit or nonprofit enti-  
18                   ty, or local public agency, that has a contract  
19                   or agreement to provide services with a school,  
20                   local educational agency, or State educational  
21                   agency, and whose job duty—

22                           “(i) is to provide such services; and

23                           “(ii) results in access to students.

24           “(2) SEXUAL PREDATOR.—The term ‘sexual  
25           predator’ means a person 18 years of age or older

1       who has been convicted of, or pled guilty to, a sexual  
2       offense against a minor.

3       **“PART F—PROTECTING CHILDREN FROM ABU-**  
4       **SIVE SECLUSION AND RESTRAINT PRAC-**  
5       **TICES**

6       **“SEC. 5601. DEFINITIONS.**

7       “In this part:

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

12               “(A) prescribed by a licensed physician, or  
13       other qualified health professional acting under  
14       the scope of the professional’s authority under  
15       State law, for the standard treatment of a stu-  
16       dent’s medical or psychiatric condition; and

17               “(B) administered as prescribed by the li-  
18       censed physician or other qualified health pro-  
19       fessional acting under the scope of the profes-  
20       sional’s authority under State law.

21               “(2) MECHANICAL RESTRAINT.—The term ‘me-  
22       chanical restraint’ has the meaning given the term  
23       in section 595(d)(1) of the Public Health Service  
24       Act (42 U.S.C. 290jj(d)(1)), except that the mean-

1       ing shall be applied by substituting ‘student’s’ for  
2       ‘resident’s’.

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

8           “(4) PHYSICAL RESTRAINT.—The term ‘phys-  
9       ical restraint’ has the meaning given the term in sec-  
10      tion 595(d)(3) of the Public Health Service Act (42  
11      U.S.C. 290jj(d)(3)).

12          “(5) POSITIVE BEHAVIOR SUPPORTS.—The  
13      term ‘positive behavior supports’ means a systematic  
14      approach to embed evidence-based practices and  
15      data-driven decisionmaking to improve school cli-  
16      mate and culture, including a range of systemic and  
17      individualized strategies to reinforce desired behav-  
18      iors and diminish reoccurrence of problem behaviors,  
19      in order to achieve improved academic and social  
20      outcomes and increase learning for all students, in-  
21      cluding students with the most complex and inten-  
22      sive behavioral needs.

23          “(6) PROTECTION AND ADVOCACY SYSTEM.—  
24      The term ‘protection and advocacy system’ means a  
25      protection and advocacy system established under

1 section 143 of the Developmental Disabilities Assist-  
2 ance and Bill of Rights Act of 2000 (42 U.S.C.  
3 15043).

4 “(7) SCHOOL.—The term ‘school’ means an en-  
5 tity—

6 “(A) that—

7 “(i) is a public or private—

8 “(I) day or residential elementary  
9 school or secondary school; or

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

16 “(ii) receives, or serves students who  
17 receive, support in any form from any pro-  
18 gram supported, in whole or in part, with  
19 funds appropriated under the Student Suc-  
20 cess Act; or

21 “(B) that is a school funded or operated  
22 by the Department of the Interior.

23 “(8) SCHOOL PERSONNEL.—The term ‘school  
24 personnel’ has the meaning—

1           “(A) given the term in section 4151(10);

2           and

3           “(B) given the term ‘school resource offi-  
4           cer’ in section 4151(11).

5           “(9) SECLUSION.—The term ‘seclusion’ has the  
6           meaning given the term in section 595(d)(4) of the  
7           Public Health Service Act (42 U.S.C. 290jj(d)(4)).

8           “(10) STATE-APPROVED CRISIS INTERVENTION  
9           TRAINING PROGRAM.—The term ‘State-approved cri-  
10          sis intervention training program’ means a training  
11          program approved by a State and the Secretary  
12          that, at a minimum, provides—

13                 “(A) training in evidence-based techniques  
14                 shown to be effective in the prevention of phys-  
15                 ical restraint and seclusion;

16                 “(B) training in evidence-based techniques  
17                 shown to be effective in keeping both school  
18                 personnel and students safe when imposing  
19                 physical restraint or seclusion;

20                 “(C) evidence-based skills training related  
21                 to positive behavior supports, safe physical es-  
22                 cort, conflict prevention, understanding ante-  
23                 cedents, de-escalation, and conflict manage-  
24                 ment;

1           “(D) training in first aid and  
2 cardiopulmonary resuscitation;

3           “(E) information describing State policies  
4 and procedures that meet the minimum stand-  
5 ards established by regulations promulgated  
6 pursuant to section 5602(a); and

7           “(F) certification for school personnel in  
8 the techniques and skills described in subpara-  
9 graphs (A) through (D), which shall be required  
10 to be renewed on a periodic basis.

11           “(11) STUDENT.—The term ‘student’ means a  
12 student enrolled in a school defined in paragraph  
13 (7), except that in the case of a student enrolled in  
14 a private school or private program, such term  
15 means a student who receives support in any form  
16 from any program supported, in whole or in part,  
17 with funds appropriated under the Student Success  
18 Act.

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

1 **“SEC. 5602. MINIMUM STANDARDS; RULE OF CONSTRUC-**  
2 **TION.**

3 “(a) MINIMUM STANDARDS.—Not later than 180  
4 days after the date of the enactment of the Student Suc-  
5 cess Act, to ensure a safe learning environment and pro-  
6 tect each student from physical or mental abuse, aversive  
7 behavioral interventions that compromise student health  
8 and safety, or any physical restraint or seclusion imposed  
9 solely for purposes of discipline or convenience or in a  
10 manner otherwise inconsistent with this part, the Sec-  
11 retary shall promulgate regulations establishing the fol-  
12 lowing minimum standards:

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

15 “(A) Mechanical restraints.

16 “(B) Chemical restraints.

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

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

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

24 “(A) the student’s behavior poses an immi-  
25 nent danger of physical injury to the student,  
26 school personnel, or others;

1           “(B) less restrictive interventions would be  
2 ineffective in stopping such imminent danger of  
3 physical injury;

4           “(C) such physical restraint or seclusion is  
5 imposed by school personnel who—

6           “(i) continuously monitor the student  
7 face-to-face; or

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

12           “(D) such physical restraint or seclusion is  
13 imposed by—

14           “(i) school personnel trained and cer-  
15 tified by a State-approved crisis interven-  
16 tion training program (as defined in sec-  
17 tion 5601(16)); or

18           “(ii) other school personnel in the  
19 case of a rare and clearly unavoidable  
20 emergency circumstance when school per-  
21 sonnel trained and certified as described in  
22 clause (i) are not immediately available  
23 due to the unforeseeable nature of the  
24 emergency circumstance; and

1           “(E) such physical restraint or seclusion  
2           ends immediately upon the cessation of the con-  
3           ditions described in subparagraphs (A) and (B).

4           “(3) States, in consultation with local edu-  
5           cational agencies and private school officials, shall  
6           ensure that a sufficient number of personnel are  
7           trained and certified by a State-approved crisis  
8           intervention training program (as defined in section  
9           5601(16)) to meet the needs of the specific student  
10          population in each school.

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

22          “(5) Schools shall establish procedures to be  
23          followed after each incident involving the imposition  
24          of physical restraint or seclusion upon a student, in-  
25          cluding—

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

4                   “(i) an immediate verbal or electronic  
5                   communication on the same day as the in-  
6                   cident; and

7                   “(ii) written notification within 24  
8                   hours of the incident; and

9           “(B) any other procedures the Secretary  
10           determines appropriate.

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

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

19                   “(1) time out (as defined in section 5601(20));

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

25                   “(A) restraints for medical immobilization;

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

6           “(C) vehicle safety restraints when used as  
7           intended during the transport of a student in a  
8           moving vehicle; or

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

13          “(A) in the—

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

18                 “(ii) lawful exercise of law enforce-  
19                 ment duties; and

20          “(B) less restrictive interventions would be  
21          ineffective.

22         **“SEC. 5603. STATE PLAN AND REPORT REQUIREMENTS AND**  
23                 **ENFORCEMENT.**

24          “(a) STATE PLAN.—Not later than 2 years after the  
25          Secretary promulgates regulations pursuant to section

1 5602(a), and each year thereafter, each State educational  
2 agency shall submit to the Secretary a State plan that pro-  
3 vides—

4 “(1) assurances to the Secretary that the State  
5 has in effect—

6 “(A) State policies and procedures that  
7 meet the minimum standards, including the  
8 standards with respect to State-approved crisis  
9 intervention training programs, established by  
10 regulations promulgated pursuant to section  
11 5602(a); and

12 “(B) a State mechanism to effectively  
13 monitor and enforce the minimum standards;

14 “(2) a description of the State policies and pro-  
15 cedures, including a description of the State-ap-  
16 proved crisis intervention training programs in such  
17 State; and

18 “(3) a description of the State plans to ensure  
19 school personnel and parents, including private  
20 school personnel and parents, are aware of the State  
21 policies and procedures.

22 “(b) REPORTING.—

23 “(1) REPORTING REQUIREMENTS.—Not later  
24 than 2 years after the date the Secretary promul-  
25 gates regulations pursuant to section 5602(a), and

1 each year thereafter, each State educational agency  
2 shall (in compliance with the requirements of section  
3 444 of the General Education Provisions Act (com-  
4 monly known as the ‘Family Educational Rights and  
5 Privacy Act of 1974’) (20 U.S.C. 1232g)) prepare  
6 and submit to the Secretary, and make available to  
7 the public, a report that includes the information de-  
8 scribed in paragraph (2), with respect to each local  
9 educational agency, and each school not under the  
10 jurisdiction of a local educational agency, located in  
11 the same State as such State educational agency.

12 “(2) INFORMATION REQUIREMENTS.—

13 “(A) GENERAL INFORMATION REQUIRE-  
14 MENTS.—The report described in paragraph (1)  
15 shall include information on—

16 “(i) the total number of incidents in  
17 the preceding full-academic year in which  
18 physical restraint was imposed upon a stu-  
19 dent; and

20 “(ii) the total number of incidents in  
21 the preceding full-academic year in which  
22 seclusion was imposed upon a student.

23 “(B) DISAGGREGATION.—

24 “(i) GENERAL DISAGGREGATION RE-  
25 QUIREMENTS.—The information described

1 in subparagraph (A) shall be disaggregated  
2 by—

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

6 “(aa) that resulted in injury;

7 “(bb) that resulted in death;

8 and

9 “(cc) in which the school  
10 personnel imposing physical re-  
11 straint or seclusion were not  
12 trained and certified as described  
13 in section 5602(a)(2)(D)(i); and

14 “(II) the demographic character-  
15 istics of all students upon whom phys-  
16 ical restraint or seclusion was im-  
17 posed, including—

18 “(aa) the categories identi-  
19 fied in section 1111(h)(1)(C)(i)  
20 of the Elementary and Secondary  
21 Education Act of 1965 (20  
22 U.S.C. 6311(h)(1)(C)(i));

23 “(bb) age; and

24 “(cc) disability status (which  
25 has the meaning given the term

1                   ‘individual with a disability’ in  
2                   section 7(20) of the Rehabilita-  
3                   tion Act of 1973 (29 U.S.C.  
4                   705(20)).

5                   “(ii) UNDUPLICATED COUNT; EXCEP-  
6                   TION.—The disaggregation required under  
7                   clause (i) shall—

8                   “(I) be carried out in a manner  
9                   to ensure an unduplicated count of  
10                  the—

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

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

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

25                  “(c) ENFORCEMENT.—

1           “(1) IN GENERAL.—

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

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

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

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

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

11           “(2) RULE OF CONSTRUCTION.—Nothing in  
12 this subsection shall be construed to limit the Sec-  
13 retary’s authority under the General Education Pro-  
14 visions Act (20 U.S.C. 1221 et seq.).

15 **“SEC. 5604. GRANT AUTHORITY.**

16           “(a) IN GENERAL.—From the amount appropriated  
17 under section 922, the Secretary may award grants to  
18 State educational agencies to assist the agencies in—

19           “(1) establishing, implementing, and enforcing  
20 the policies and procedures to meet the minimum  
21 standards established by regulations promulgated by  
22 the Secretary pursuant to section 5602(a);

23           “(2) improving State and local capacity to col-  
24 lect and analyze data related to physical restraint  
25 and seclusion; and

1           “(3) improving school climate and culture by  
2           implementing school-wide positive behavior support  
3           approaches.

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,  
20 and evaluating strategies, policies, and procedures to  
21 prevent and reduce physical restraint and seclusion  
22 in schools, consistent with the minimum standards  
23 established by regulations promulgated by the Sec-  
24 retary pursuant to section 5602(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 5603(b) and analyzing the information  
6           included 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 ad-  
10          dition 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 5602(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 5608, the Secretary  
23 may allocate funds to the Secretary of the Interior for ac-  
24 tivities under this section with respect to schools operated

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

3 **“SEC. 5605. NATIONAL ASSESSMENT.**

4 “(a) NATIONAL ASSESSMENT.—The Secretary shall  
5 carry out a national assessment to determine the effective-  
6 ness of this part, 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 the Student Success Act, an interim re-  
5 port that summarizes the preliminary findings of the  
6 assessment described in subsection (a); and

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

10 **“SEC. 5606. 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 part.

16 **“SEC. 5607. LIMITATION OF AUTHORITY.**

17 “(a) IN GENERAL.—Nothing in this part shall be  
18 construed to restrict or limit, or allow the Secretary to  
19 restrict or limit, any other rights or remedies otherwise  
20 available to students or parents under Federal or State  
21 law or regulation.

22 “(b) APPLICABILITY.—

23 “(1) PRIVATE SCHOOLS.—Nothing in this part  
24 shall be construed to affect any private school that  
25 does not receive, or does not serve students who re-

1       ceive, support in any form from any program sup-  
2       ported, in whole or in part, with funds appropriated  
3       to the Department of Education.

4               “(2) HOME SCHOOLS.—Nothing in this part  
5       shall be construed to—

6                       “(A) affect a home school, whether or not  
7       a home school is treated as a private school or  
8       home school under State law; or

9                       “(B) consider parents who are schooling a  
10      child at home as school personnel.

11   **“SEC. 5608. AUTHORIZATION OF APPROPRIATIONS.**

12       “There are authorized to be appropriated such sums  
13 as may be necessary to carry out this part for fiscal year  
14 2014 and each of the 4 succeeding fiscal years.

15   **“SEC. 5609. PRESUMPTION OF CONGRESS RELATING TO**  
16                       **COMPETITIVE PROCEDURES.**

17       “(a) PRESUMPTION.—It is the presumption of Con-  
18 gress that grants awarded under this part will be awarded  
19 using competitive procedures based on merit.

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

1       **“PART G—PROTECTING STUDENT ATHLETES**  
2                                   **FROM CONCUSSIONS**

3       **“SEC. 5701. MINIMUM STATE REQUIREMENTS.**

4           “Beginning with fiscal year 2014, in order to be eligi-  
5 ble to receive funds for such year or a subsequent fiscal  
6 year under the Elementary and Secondary Education Act  
7 of 1965 (20 U.S.C. 6301 et seq.) each State educational  
8 agency shall issue regulations establishing the following  
9 minimum requirements in order to protect student aca-  
10 demic achievement from the impact of concussions:

11                   “(1) LOCAL EDUCATIONAL AGENCY CONCUS-  
12                   SION SAFETY AND MANAGEMENT PLAN.—Each local  
13                   educational agency in the State, in consultation with  
14                   members of the community in which such agency is  
15                   located, shall develop and implement a standard plan  
16                   for concussion safety and management that in-  
17                   cludes—

18                                   “(A) the education of students, parents,  
19                                   and school personnel about concussions, such  
20                                   as—

21                                                   “(i) the training and certification of  
22                                                   school personnel, including coaches, ath-  
23                                                   letic trainers, and school nurses, on con-  
24                                                   cussion safety and management; and

25                                                   “(ii) using and maintaining standard-  
26                                                   ized release forms, treatment plans, obser-

1 vation, monitoring and reporting forms,  
2 recordkeeping forms, and post-injury fact  
3 sheets;

4 “(B) supports for students recovering from  
5 a concussion, such as—

6 “(i) guiding such student in resuming  
7 participation in athletic activity and aca-  
8 demic activities with the help of a multi-  
9 disciplinary team, which may include—

10 “(I) a health care professional,  
11 the parents of such student, a school  
12 nurse, or other relevant school per-  
13 sonnel; and

14 “(II) an individual who is as-  
15 signed by a public school to oversee  
16 and manage the recovery of such stu-  
17 dent;

18 “(ii) providing appropriate academic  
19 accommodations; and

20 “(iii) referring students whose symp-  
21 toms of concussion reemerge or persist  
22 upon the reintroduction of cognitive and  
23 physical demands for evaluation of the eli-  
24 gibility of such students for services under  
25 the Individual with Disabilities Education

1 Act (20 U.S.C. 1400 et seq.) and the Re-  
2 habilitation Act of 1973 (29 U.S.C. 701  
3 note et seq.); and

4 “(C) best practices designed to ensure,  
5 with respect to concussions, the uniformity of  
6 safety standards, treatment, and management,  
7 such as—

8 “(i) disseminating information on con-  
9 cussion management safety and manage-  
10 ment to the public; and

11 “(ii) applying uniform standards for  
12 concussion safety and management to all  
13 students enrolled in public schools.

14 “(2) POSTING OF INFORMATION ON CONCUS-  
15 SIONS.—Each public elementary school and each  
16 secondary school shall post on school grounds, in a  
17 manner that is visible to students and school per-  
18 sonnel, and make publicly available on the school  
19 website, information on concussions that—

20 “(A) is based on peer-reviewed scientific  
21 evidence (such as information made available by  
22 the Centers for Disease Control and Preven-  
23 tion);

24 “(B) shall include—

1 “(i) the risks posed by sustaining a  
2 concussion;

3 “(ii) the actions a student should take  
4 in response to sustaining a concussion, in-  
5 cluding the notification of school personnel;  
6 and

7 “(iii) the signs and symptoms of a  
8 concussion; and

9 “(C) may include—

10 “(i) the definition of a concussion;

11 “(ii) the means available to the stu-  
12 dent to reduce the incidence or recurrence  
13 of a concussion; and

14 “(iii) the effects of a concussion on  
15 academic learning and performance.

16 “(3) RESPONSE TO CONCUSSION.—If any school  
17 personnel, including coaches and athletic trainers, of  
18 a public school suspects that a student has sustained  
19 a concussion during a school-sponsored athletic ac-  
20 tivity—

21 “(A) the student shall be—

22 “(i) immediately removed from par-  
23 ticipation in such activity; and

1                   “(ii) prohibited from returning to par-  
2                   ticipate in school-sponsored athletic activi-  
3                   ties—

4                   “(I) on the day such student sus-  
5                   tained a concussion; and

6                   “(II) until such student submits  
7                   a written release from a health care  
8                   professional stating that the student  
9                   is capable of resuming participation in  
10                  school-sponsored athletic activities;  
11                  and

12                  “(B) such personnel shall report to the  
13                  parent or guardian of such student—

14                  “(i) the date, time, and extent of the  
15                  injury suffered by such student; and

16                  “(ii) any actions taken to treat such  
17                  student.

18                  “(4) RETURN TO ATHLETICS AND ACA-  
19                  DEMICS.—Before a student who has sustained a con-  
20                  cussion in a school-sponsored athletic activity re-  
21                  sumes participation in school-sponsored athletic ac-  
22                  tivities or academic activities, the school shall receive  
23                  a written release from a health care professional,  
24                  that—

1           “(A) states that the student is capable of  
2           resuming participation in such activities; and

3           “(B) may require the student to follow a  
4           plan designed to aid the student in recovering  
5           and resuming participation in such activities in  
6           a manner that—

7                   “(i) is coordinated, as appropriate,  
8                   with periods of cognitive and physical rest  
9                   while symptoms of a concussion persist;  
10                  and

11                   “(ii) reintroduces cognitive and phys-  
12                   ical demands on such student on a pro-  
13                   gressive basis only as such increases in ex-  
14                   ertion do not cause the reemergence or  
15                   worsening of symptoms of a concussion.

16   **“SEC. 5702. REPORT TO SECRETARY OF EDUCATION.**

17           “Not later than 6 months after promulgating regula-  
18           tions pursuant to section 5701 in order to be eligible to  
19           receive funds under the Elementary and Secondary Edu-  
20           cation Act of 1965 (20 U.S.C. 6301 et seq.), each State  
21           educational agency shall submit to the Secretary of Edu-  
22           cation a report that contains—

23                   “(1) a description of the State regulations pro-  
24                   mulgated pursuant to section 5701; and

1           “(2) an assurance that the State has imple-  
2           mented such regulations.

3   **“SEC. 5703. RULE OF CONSTRUCTION.**

4           “Nothing in this subtitle shall be construed to alter  
5           or supersede State law with respect to education standards  
6           or procedures or civil liability.

7   **“SEC. 5704. DEFINITIONS.**

8           “In this subtitle:

9           “(1) CONCUSSION.—The term ‘concussion’  
10          means a type of traumatic brain injury that—

11                   “(A) is caused by a blow, jolt, or motion  
12                   to the head or body that causes the brain to  
13                   move rapidly in the skull;

14                   “(B) disrupts normal brain functioning  
15                   and alters the mental state of the individual,  
16                   causing the individual to experience—

17                           “(i) any period of observed or self-re-  
18                           ported —

19                                   “(I) transient confusion, dis-  
20                                   orientation, or impaired consciousness;

21                                   “(II) dysfunction of memory  
22                                   around the time of injury; and

23                                   “(III) loss of consciousness last-  
24                                   ing less than 30 minutes;

1                   “(ii) any one of four types of symp-  
2                   toms of a headache, including—

3                   “(I) physical symptoms, such as  
4                   headache, fatigue, or dizziness;

5                   “(II) cognitive symptoms, such  
6                   as memory disturbance or slowed  
7                   thinking;

8                   “(III) emotional symptoms, such  
9                   as irritability or sadness; and

10                  “(IV) difficulty sleeping; and

11                  “(C) can occur—

12                  “(i) with or without the loss of con-  
13                  sciousness; and

14                  “(ii) during participation in any orga-  
15                  nized sport or recreational activity.

16                  “(2) HEALTH CARE PROFESSIONAL.—The term  
17                  ‘health care professional’ means a physician, nurse,  
18                  certified athletic trainer, physical therapist,  
19                  neuropsychologist or other qualified individual  
20                  who—

21                  “(A) is a registered, licensed, certified, or  
22                  otherwise statutorily recognized by the State to  
23                  provide medical treatment;

1           “(B) is experienced in the diagnosis and  
2           management of traumatic brain injury among a  
3           pediatric population; and

4           “(C) may be a volunteer.

5           “(3) LOCAL EDUCATIONAL AGENCY; STATE  
6           EDUCATIONAL AGENCY.—The terms ‘local edu-  
7           cational agency’ and ‘State educational agency’ have  
8           the meanings given such terms in section 9101 of  
9           the Elementary and Secondary Education Act of  
10          1965 (20 U.S.C. 7801).

11          “(4) SCHOOL PERSONNEL.—The term ‘school  
12          personnel’ has the meaning given such term in sec-  
13          tion 4151 of the Elementary and Secondary Edu-  
14          cation Act of 1965 (20 U.S.C. 7161).

15          “(5) SCHOOL-SPONSORED ATHLETIC ACTIV-  
16          ITY.—The term ‘school-sponsored athletic activity’  
17          means—

18                 “(A) any physical education class or pro-  
19                 gram of a school;

20                 “(B) any athletic activity authorized dur-  
21                 ing the school day on school grounds that is not  
22                 an instructional activity; and

23                 “(C) any extracurricular sports team, club,  
24                 or league organized by a school on or off school  
25                 grounds.

Page 482, line 1, strike “**PART F**” and insert  
“**PART H**”.

Page 482, line 2, strike “**5601**” and insert “**5801**”.

