

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(e) 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**”.

