

111TH CONGRESS
1ST SESSION

S. 2860

To protect students from inappropriate seclusion and physical restraint, and
for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 9, 2009

Mr. DODD introduced the following bill; which was read twice and referred to
the Committee on Health, Education, Labor, and Pensions

A BILL

To protect students from inappropriate seclusion and
physical restraint, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Seclusion and physical restraint have re-
9 sulted in physical injury, psychological trauma, and
10 death to children in public and private schools. Na-

1 tional research shows children have been subjected
2 to inappropriate seclusion and physical restraint in
3 schools as a means of discipline, to force compliance,
4 or as a substitute for appropriate educational sup-
5 port.

6 (2) Despite the widely recognized risks of seclu-
7 sion and physical restraint, a substantial disparity
8 exists between States and localities with regard to
9 the protection and oversight of the rights of children
10 to a safe learning environment.

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

17 (4) Research confirms that—

18 (A) seclusion and physical restraint are not
19 therapeutic; and

20 (B) these practices are not effective means
21 to calm or teach children and may have an op-
22 posite effect while simultaneously decreasing a
23 child's ability to learn.

24 (5) Children are subjected to seclusion and
25 physical restraint at higher rates than adults, and

1 are at greater risk of injury. Physical restraint that
2 restricts air flow to the lungs, as well as seclusion
3 in the absence of continuous face-to-face monitoring,
4 have resulted in the deaths of children in schools.

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

12 (7) Safe, effective, evidence-based strategies are
13 available to support children who display challenging
14 behaviors in school settings. Staff training focused
15 on the dangers of seclusion and physical restraint,
16 as well as training in evidence-based positive behav-
17 ioral interventions and supports, de-escalation tech-
18 niques, and seclusion and physical restraint preven-
19 tion, can reduce injury, trauma, and death.

20 (8) School personnel have the right to work in
21 a safe environment and should be provided training
22 and support to prevent injury and trauma to them-
23 selves and others.

24 (9) The effective implementation of school-wide
25 positive behavior supports is linked to greater aca-

1 demic achievement, significantly fewer disciplinary
2 problems, increased instruction time, and staff per-
3 ception of a safer teaching environment.

4 (10) Perspectives of relevant community and
5 advocacy organizations, including those run by indi-
6 viduals with disabilities, are important when devel-
7 oping and implementing strategies, policies, and pro-
8 cedures to prevent or reduce seclusion and physical
9 restraint in schools.

10 **SEC. 3. PURPOSES.**

11 The purposes of this Act are to—

12 (1) prevent and reduce the use of seclusion and
13 physical restraint;

14 (2) ensure the safety of all students and per-
15 sonnel in schools and promote a positive school cul-
16 ture and climate;

17 (3) protect students from—

18 (A) physical or mental abuse;

19 (B) aversive behavioral interventions that
20 compromise health and safety; and

21 (C) any physical restraint or seclusion im-
22 posed for purposes of discipline or convenience;

23 (4) ensure that seclusion and physical restraint
24 are imposed in school only when a student's behavior

1 poses an imminent danger of physical injury to the
2 student, school personnel, or others; and

3 (5) assist States, local educational agencies,
4 and schools in—

5 (A) establishing policies and procedures to
6 keep all students and school personnel safe, in-
7 cluding students with the most complex and in-
8 tensive behavioral needs;

9 (B) providing school personnel with the
10 necessary tools, training, and support to ensure
11 the safety of all students and promoting a posi-
12 tive school culture and climate;

13 (C) collecting and analyzing data on seclu-
14 sion and physical restraint in schools as a
15 means to reduce such incidents; and

16 (D) identifying and implementing effective
17 evidence-based models to prevent and reduce se-
18 clusion and physical restraint in schools.

19 **SEC. 4. DEFINITIONS.**

20 In this Act:

21 (1) **ESEA DEFINITIONS.**—The terms “edu-
22 cational service agency”, “elementary school”, “local
23 educational agency”, “parent”, “secondary school”,
24 and “State” have the meanings given such terms in

1 section 9101 of the Elementary and Secondary Edu-
 2 cation Act of 1965 (20 U.S.C. 7801).

3 (2) PUBLIC HEALTH SERVICE ACT DEFINI-
 4 TIONS.—The terms “mechanical restraint”, “phys-
 5 ical escort”, “physical restraint”, “seclusion”, and
 6 “time out” have the meanings given such terms in
 7 section 595(d) of the Public Health Service Act (42
 8 U.S.C. 290jj(d)), except that the meanings of such
 9 terms shall be applied by substituting “student” or
 10 “student’s” for “resident” or “resident’s”, respec-
 11 tively.

12 (3) APPLICABLE PROGRAM.—The term “appli-
 13 cable program” has the meaning given the term in
 14 section 400(c) of the General Education Provisions
 15 Act (20 U.S.C. 1221(e)).

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

20 (A) prescribed by a licensed physician for
 21 standard treatment of the student’s medical or
 22 psychiatric condition; and

23 (B) administered for that purpose.

24 (5) POSITIVE BEHAVIOR SUPPORTS.—The term
 25 “positive behavior supports” means a systematic ap-

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

10 (6) PROTECTION AND ADVOCACY SYSTEM.—The
11 term “protection and advocacy system” means a
12 protection and advocacy system established under
13 section 143 of the Developmental Disabilities Assist-
14 ance and Bill of Rights Act of 2000 (42 U.S.C.
15 15043).

16 (7) SCHOOL.—The term “school” means an en-
17 tity that—

18 (A) is—

19 (i) a public or private day or residen-
20 tial elementary school or secondary school;
21 or

22 (ii) an early childhood, elementary
23 school, or secondary school program that is
24 under the jurisdiction of a school, edu-

1 cational service agency, or other edu-
2 cational institution or program; and

3 (B) receives, or serves students who re-
4 ceive, support in any form from any program
5 supported in whole or in part, directly or indi-
6 rectly, with funds appropriated to the Depart-
7 ment of Education.

8 (8) SCHOOL PERSONNEL.—The term “school
9 personnel” means school personnel and school re-
10 source officers, as such terms are defined in section
11 4151 of the Elementary and Secondary Education
12 Act of 1965 (20 U.S.C. 7161).

13 (9) SECRETARY.—The term “Secretary” means
14 the Secretary of Education.

15 (10) STATE-APPROVED TRAINING PROGRAM.—
16 The term “State-approved training program” means
17 a training program approved by a State that, at a
18 minimum, provides—

19 (A) evidence-based techniques shown to be
20 effective in the prevention, and safe use, of se-
21 clusion and physical restraint;

22 (B) evidence-based skills training that is
23 related to positive behavior supports, conflict
24 prevention, de-escalation, and conflict manage-
25 ment;

1 (C) first aid and cardiopulmonary resus-
 2 citation; and

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

7 (11) STATE EDUCATIONAL AGENCY.—The term
 8 “State educational agency” means a State edu-
 9 cational agency, as defined in section 9101 of the
 10 Elementary and Secondary Education Act of 1965
 11 (20 U.S.C. 7801), that receives support in any form
 12 from an applicable program.

13 (12) STUDENT.—The term “student” means a
 14 student—

15 (A) who is enrolled in a school; and

16 (B) in the case of a student enrolled in a
 17 private school, who receives support in any form
 18 from any applicable program or any program
 19 supported in whole, in part, directly, or indi-
 20 rectly with funds appropriated to the Depart-
 21 ment of Education or under the Head Start Act
 22 (42 U.S.C. 9831 et seq.).

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

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

1 prescribe regulations to protect each student from physical
2 or mental abuse, aversive behavioral interventions that
3 compromise student health and safety, or any physical re-
4 straint or seclusion imposed for purposes of discipline or
5 convenience or in a manner otherwise inconsistent with
6 this Act. Such regulations shall, at a minimum, include
7 regulations for the following standards:

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

10 (A) Mechanical restraint.

11 (B) Chemical restraint.

12 (C) Physical restraint that restricts air
13 flow to the lungs.

14 (D) Aversive behavioral intervention that
15 compromises health and safety.

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

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

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

1 (3) In the event physical restraint or seclusion
2 is imposed upon a student, such physical restraint or
3 seclusion shall—

4 (A) end upon the cessation of the condi-
5 tions described in paragraph (2);

6 (B) be imposed by school personnel who—

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

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

13 (C) be imposed by—

14 (i) school personnel trained and cer-
15 tified by a State-approved training pro-
16 gram that is approved by the Secretary; or

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

24 (4) Each State and local educational agency
25 shall ensure that a sufficient number of school per-

1 sonnel are trained and certified by a State-approved
2 training program to meet the needs of the specific
3 student population in each school in the State or
4 served by the local educational agency, respectively.

5 (5) The use of physical restraint or seclusion as
6 a planned intervention shall not be written into a
7 student’s education plan, individual safety plan, be-
8 havioral plan, or individualized education program
9 (as defined in section 614(d) of the Individuals with
10 Disabilities Education Act (20 U.S.C. 1414(d))).

11 (6) Within 72 hours after the imposition of
12 physical restraint or seclusion upon a student, all
13 school personnel involved in the physical restraint or
14 seclusion and appropriate supervisory and adminis-
15 trative staff shall participate in a debriefing session,
16 which shall include—

17 (A) documentation of antecedents to the
18 physical restraint or seclusion; and

19 (B) prevention planning.

20 (7) Each school shall establish procedures to be
21 followed after each incident involving the imposition
22 of physical restraint or seclusion upon a student, in-
23 cluding—

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

4 (i) a documented, reasonable attempt
5 to provide immediate verbal or electronic
6 communication on the same day as each
7 such incident;

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

10 (iii) advance notice of the debriefing
11 session described in paragraph (6) that will
12 be held regarding such incident and an op-
13 portunity to attend the debriefing session;
14 and

15 (B) in a case where serious bodily injury
16 (as defined in section 1365(h) of title 18,
17 United States Code) or death of a student of
18 the school occurs from the use of seclusion or
19 physical restraint, procedures to notify, in writ-
20 ing, the State protection and advocacy system
21 within 24 hours after such incident occurs.

22 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion shall be construed to authorize the Secretary to pro-
24 mulgate regulations prohibiting the use of—

25 (1) time out; and

1 (2) devices implemented by a trained school
 2 personnel, or utilized by a student, for the specific
 3 and approved therapeutic or safety purposes for
 4 which such devices were designed, and, if applicable,
 5 prescribed, including—

6 (A) restraints for medical immobilization;

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

12 (C) vehicle safety restraints when used as
 13 intended during the transport of a student in a
 14 moving vehicle.

15 **SEC. 6. STATE PLAN AND DATA COLLECTION REQUIRE-**
 16 **MENTS AND ENFORCEMENT.**

17 (a) STATE PLAN.—Not later than 2 years after the
 18 date of enactment of this Act, and each year thereafter,
 19 each State educational agency shall submit to the Sec-
 20 retary a State plan that provides—

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

23 (A) State policies and procedures that
 24 meet the minimum standards required by the

1 regulations prescribed by the Secretary pursu-
2 ant to section 5(a); and

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

5 (2) a description of the State policies and pro-
6 cedures described in paragraph (1)(A); and

7 (3) a description of the plans to ensure school
8 personnel and parents are aware of the State poli-
9 cies and procedures.

10 (b) REPORTING.—

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

25 (2) INFORMATION REQUIREMENTS.—

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

4 (i) the total number of incidents in
5 the preceding full academic year in which
6 physical restraint was imposed upon a stu-
7 dent; and

8 (ii) the total number of incidents in
9 the preceding full academic year in which
10 seclusion was imposed upon a student.

11 (B) DISAGGREGATION.—

12 (i) GENERAL DISAGGREGATION RE-
13 QUIREMENTS.—The information described
14 in subparagraph (A) shall be disaggregated
15 by—

16 (I) the total number of incidents
17 in which physical restraint or seclu-
18 sion was imposed upon a student—

19 (aa) that resulted in injury;

20 (bb) that resulted in death;

21 and

22 (cc) in which the school per-
23 sonnel imposing physical re-
24 straint or seclusion were not

1 trained and certified as described
2 in section 5(a)(3)(C)(i); and

3 (II) the demographic characteris-
4 tics of all students upon whom phys-
5 ical restraint or seclusion was im-
6 posed, including—

7 (aa) the categories described
8 in section 1111(h)(1)(C)(i) of the
9 Elementary and Secondary Edu-
10 cation Act of 1965 (20 U.S.C.
11 6311(h)(1)(C)(i));

12 (bb) age; and

13 (cc) disability status, which
14 has the meaning given the term
15 “individual with a disability” in
16 paragraph (20) (except for sub-
17 paragraph (A) of section 7 of the
18 Rehabilitation Act of 1973) (29
19 U.S.C. 705(20)).

20 (ii) UNDUPLICATED COUNT; EXCEP-
21 TION.—The disaggregation required under
22 clause (i) shall—

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

1 (aa) total number of inci-
2 dents in the preceding full-aca-
3 demic year in which physical re-
4 straint was imposed upon a stu-
5 dent; and

6 (bb) total number of inci-
7 dents in the preceding full-aca-
8 demic year in which seclusion
9 was imposed upon a student; and

10 (II) not be required in a case in
11 which the number of students in a
12 category would reveal personally iden-
13 tifiable information about an indi-
14 vidual student.

15 (c) ENFORCEMENT.—

16 (1) IN GENERAL.—

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

20 (i) withhold from the State edu-
21 cational agency, in whole or in part, fur-
22 ther payments under an applicable pro-
23 gram in accordance with section 455 of the
24 General Education Provisions Act (20
25 U.S.C. 1234d);

1 (ii) require the State educational
2 agency to submit and implement, not later
3 than 1 year after the State's failure to
4 comply, a corrective plan of action, which
5 may include redirection of funds received
6 under an applicable program after the date
7 of enactment of this Act; or

8 (iii) issue a complaint to compel com-
9 pliance of the State educational agency
10 through a cease and desist order, in the
11 same manner the Secretary is authorized
12 to take such action under section 456 of
13 the General Education Provisions Act (20
14 U.S.C. 1234e).

15 (B) CESSATION OF WITHHOLDING OF
16 FUNDS.—Whenever the Secretary determines
17 (whether by certification or other appropriate
18 evidence) that a State educational agency that
19 is subject to the withholding of payments under
20 subparagraph (A)(i) has cured the failure pro-
21 viding the basis for the withholding of pay-
22 ments, the Secretary shall cease the withholding
23 of payments with respect to the State edu-
24 cational agency under such subparagraph.

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

5 **SEC. 7. GRANT AUTHORITY.**

6 (a) **IN GENERAL.**—From the amount appropriated
7 under section 12, the Secretary may award grants to State
8 educational agencies to assist the State educational agen-
9 cies in—

10 (1) establishing, implementing, and enforcing
11 the policies and procedures to meet the minimum
12 standards required by regulations prescribed by the
13 Secretary pursuant to section 5(a); and

14 (2) improving school climate and culture by im-
15 plementing school-wide positive behavior support ap-
16 proaches.

17 (b) **DURATION OF GRANT.**—A grant under this sec-
18 tion shall be awarded to a State educational agency for
19 a 3-year period.

20 (c) **APPLICATION.**—Each State educational agency
21 desiring a grant under this section shall submit an appli-
22 cation to the Secretary at such time, in such manner, and
23 accompanied by such information as the Secretary may
24 require, including information on how the State edu-
25 cational agency will target resources to schools and local

1 educational agencies in need of assistance related to pre-
2 venting and reducing physical restraint and seclusion.

3 (d) AUTHORITY TO MAKE SUBGRANTS.—

4 (1) IN GENERAL.—A State educational agency
5 receiving a grant under this section may carry out
6 the activities described in subsections (e) and (f), as
7 required under the grant, by awarding subgrants, on
8 a competitive basis, to local educational agencies.

9 (2) APPLICATION.—A local educational agency
10 desiring to receive a subgrant under paragraph (1)
11 shall submit an application to the applicable State
12 educational agency at such time, in such manner,
13 and containing such information as the State edu-
14 cational agency may require.

15 (e) REQUIRED ACTIVITIES.—A State educational
16 agency receiving a grant under this section shall use such
17 grant funds to carry out all of the following:

18 (1) Researching, developing, implementing, and
19 evaluating strategies, policies, and procedures to re-
20 duce or eliminate seclusion and physical restraint in
21 schools, consistent with the minimum standards re-
22 quired by regulations prescribed by the Secretary
23 pursuant to section 5(a).

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

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

9 (f) AUTHORIZED ACTIVITIES.—A State educational
10 agency receiving a grant under this section may use such
11 grant funds for one or more of the following:

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

19 (2) Providing technical assistance to develop
20 and implement evidence-based systematic approaches
21 to school-wide positive behavior supports, including
22 technical assistance for data-driven decisionmaking
23 related to behavioral supports and interventions in
24 the classroom.

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

5 (g) EVALUATION AND REPORT.—Each State edu-
6 cational agency receiving a grant under this section shall,
7 at the end of the grant period—

8 (1) evaluate the State’s progress toward the re-
9 duction and elimination of seclusion and physical re-
10 straint in the schools located in the State, consistent
11 with the minimum standards required by regulations
12 prescribed by the Secretary pursuant to section 5(a);
13 and

14 (2) submit to the Secretary a report on such
15 progress.

16 **SEC. 8. NATIONAL ASSESSMENT.**

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

20 (1) collecting and analyzing data related to se-
21 clusion, physical restraint, and aversive behavioral
22 interventions in schools;

23 (2) analyzing the effectiveness of Federal,
24 State, and local efforts to reduce the number of se-
25 clusion and physical restraint incidents in schools;

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

5 (4) identifying personnel training models with
6 demonstrated success in reducing the number of se-
7 clusion and physical restraint incidents in schools,
8 including models that emphasize positive behavior
9 supports and de-escalation techniques over physical
10 intervention.

11 (b) REPORT.—The Secretary shall submit to the
12 Committee on Education and Labor of the House of Rep-
13 resentatives and the Committee on Health, Education,
14 Labor, and Pensions of the Senate—

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

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

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

23 Protection and advocacy systems shall have the au-
24 thority provided under section 143 of the Developmental
25 Disabilities Assistance and Bill of Rights Act of 2000 (42

1 U.S.C. 15043) to investigate, monitor, and enforce protec-
2 tions provided for students under this Act.

3 **SEC. 10. HEAD START PROGRAMS.**

4 (a) REGULATIONS.—The Secretary of Health and
5 Human Services, in consultation with the Secretary of
6 Education, shall promulgate regulations with respect to
7 Head Start agencies administering Head Start programs
8 under the Head Start Act (42 U.S.C. 9801 et seq.) that
9 establish requirements consistent with—

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

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

14 (b) GRANT AUTHORITY.—From the amount appro-
15 priated under section 12, the Secretary of Education may
16 allocate funds to the Secretary of Health and Human
17 Services to assist the Head Start agencies in establishing,
18 implementing, and enforcing policies and procedures to
19 meet the requirements established by regulations promul-
20 gated pursuant to subsection (a).

21 **SEC. 11. LIMITATION OF AUTHORITY.**

22 Nothing in this Act shall be construed to restrict or
23 limit, or allow the Secretary to restrict or limit, any other
24 rights or remedies otherwise available to students or the
25 families of students under Federal or State law.

1 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

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

○