

116TH CONGRESS
2D SESSION

H. R. 8460

To prohibit the use of corporal punishment in schools, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 30, 2020

Mr. MCEACHIN (for himself and Ms. BONAMICI) introduced the following bill; which was referred to the Committee on Education and Labor, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To prohibit the use of corporal punishment in schools, and
for other purposes.

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

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Protecting our Students in Schools Act of 2020”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act are as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Definitions.

TITLE I—PROHIBITION OF CORPORAL PUNISHMENT

- Sec. 101. Prohibition of corporal punishment.
- Sec. 102. Civil actions by the Attorney General.
- Sec. 103. Enforcement by the Office for Civil Rights.
- Sec. 104. Parent notification and protection and advocacy systems.

TITLE II—STATE ACTIVITIES AND GRANT PROGRAM

- Sec. 201. State plan and enforcement.
- Sec. 202. Grant authority.

TITLE III—ADDITIONAL PROVISIONS

- Sec. 301. Federal regulations.
- Sec. 302. Other schools.
- Sec. 303. Limitation of authority.
- Sec. 304. Applicability.
- Sec. 305. Severability.
- Sec. 306. Authorization of appropriations.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are to—

3 (1) eliminate the use of corporal punishment in
4 schools;

5 (2) ensure, regardless of sexual orientation,
6 gender identity or expression, sex, race, color, na-
7 tional origin, disability, or religion, the health and
8 safety of all students and program personnel in
9 schools and promote a positive school climate and
10 culture;

11 (3) assist States, local educational agencies,
12 and schools in improving school climate and culture
13 by implementing positive behavioral interventions
14 and supports and other models to address student
15 behavior and work to eliminate the use of exclu-
16 sionary and aversive discipline practices or interven-
17 tions;

1 (4) ensure all program personnel have the sup-
2 ports and training necessary to implement positive
3 behavioral interventions and supports and other
4 models to address student behavior and improve
5 school climate and culture; and

6 (5) collect and analyze data on exclusionary and
7 aversive discipline practices or interventions in
8 schools.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) **CORPORAL PUNISHMENT.**—The term “cor-
12 poral punishment” means, with respect to a student,
13 a deliberate act which causes the student to feel
14 physical pain for the purpose of discipline, including
15 an act of physical force, such as striking, spanking,
16 or paddling, inflicted on a student’s body, requiring
17 a student to assume a painful physical position, or
18 the use of chemical sprays, electroshock weapon, or
19 stun guns on a student’s body.

20 (2) **ESEA TERMS.**—The terms “elementary
21 school”, “evidence-based”, “local educational agen-
22 cy”, “outlying area”, “parent”, “secondary school”,
23 “Secretary”, “State”, and “State educational agen-
24 cy” have the meanings given the terms in section

1 8101 of the Elementary and Secondary Education
2 Act of 1965 (20 U.S.C. 7801).

3 (3) MODEL.—The term “model” means an ac-
4 tivity, strategy, framework, or intervention that is
5 evidence-based, to the extent practicable.

6 (4) PROGRAM.—The term “program” means all
7 the operations of a local educational agency, system
8 of vocational education, other school system, or pri-
9 vate school, any part of which receives Federal fi-
10 nancial assistance.

11 (5) PROGRAM PERSONNEL.—The term “pro-
12 gram personnel” means any agent of a program in-
13 cluding an individual who—

14 (A) is employed by a program;

15 (B) performs services for a program on a
16 contractual basis;

17 (C) is a school resource officer; or

18 (D) is a school security guard.

19 (6) PROTECTION AND ADVOCACY SYSTEM.—The
20 term “protection and advocacy system” means a
21 protection and advocacy system established under
22 section 143 of the Developmental Disabilities Assist-
23 ance and Bill of Rights Act of 2000 (42 U.S.C.
24 15043).

1 (7) SCHOOL RESOURCE OFFICER.—The term
2 “school resource officer” means a sworn law enforce-
3 ment officer who—

4 (A) is assigned by the employing police de-
5 partment to a program;

6 (B) is contracting with a program; or

7 (C) is employed by a program.

8 (8) SCHOOL SECURITY GUARD.—The term
9 “school security guard” means a contractor or an
10 employee of a program responsible for addressing
11 one or more of the following safety and crime pre-
12 vention activities with respect to a program:

13 (A) Assisting program personnel in safety
14 incidents.

15 (B) Educating students in crime and ille-
16 gal drug use prevention and safety.

17 (C) Developing or expanding community
18 justice initiatives for students.

19 (D) Training students in conflict resolution
20 and supporting restorative justice programs.

21 (E) Serving as a liaison between the pro-
22 gram and outside agencies, including other law
23 enforcement agencies.

24 (F) Screening students or visitors to the
25 program for prohibited items.

1 (9) STUDENT.—The term “student” means an
2 individual enrolled in a program.

3 **TITLE I—PROHIBITION OF**
4 **CORPORAL PUNISHMENT**

5 **SEC. 101. PROHIBITION OF CORPORAL PUNISHMENT.**

6 (a) PROHIBITION.—No student shall be subjected to
7 corporal punishment by program personnel of any pro-
8 gram which receives Federal financial assistance.

9 (b) PRIVATE RIGHT OF ACTION.—A student who has
10 been subjected to corporal punishment by program per-
11 sonnel in violation of subsection (a), or the parent of such
12 student, may file a civil action in any Federal or State
13 court of competent jurisdiction against the program under
14 which the violation is alleged to have occurred for attor-
15 neys’ fees, expert fees, injunctive relief, and compensatory
16 damages.

17 (c) NONAPPLICABILITY.—Section 615(l) of the Indi-
18 viduals with Disabilities Education Act (20 U.S.C.
19 1415(l)) shall not apply to an action filed pursuant to sub-
20 section (b), regardless of whether or not the student is
21 seeking relief that is also available under the Individuals
22 with Disabilities Education Act (20 U.S.C. 1400 et seq.).

23 **SEC. 102. CIVIL ACTIONS BY THE ATTORNEY GENERAL.**

24 Whenever the Attorney General receives a complaint
25 in writing signed by a parent (including a legal guardian)

1 or a group of parents (including legal guardians) to the
2 effect that the minor children of such a parent or parents
3 are being deprived by a program of the right to not be
4 subject to corporal punishment by program personnel and
5 the Attorney General believes the complaint is meritorious,
6 the Attorney General is authorized, after giving notice of
7 such complaint to the appropriate program and after certi-
8 fying that the Attorney General is satisfied that such pro-
9 gram has had a reasonable time to adjust the conditions
10 alleged in such complaint, to institute for or in the name
11 of the United States a civil action in any appropriate dis-
12 trict court of the United States against such parties and
13 for such relief as may be appropriate, and such court shall
14 have and shall exercise jurisdiction of proceedings insti-
15 tuted pursuant to this section. The Attorney General may
16 implead as defendants such additional parties as are or
17 become necessary to the grant of effective relief hereunder.

18 **SEC. 103. ENFORCEMENT BY THE OFFICE FOR CIVIL**
19 **RIGHTS.**

20 (a) REFERRAL TO OFFICE FOR CIVIL RIGHTS.—The
21 Secretary shall refer any complaint alleging a violation of
22 section 101(a) to the Office for Civil Rights of the Depart-
23 ment of Education for an investigation.

24 (b) PROCESS FOR REFERRAL.—Not later than 90
25 days after the date of the enactment of this Act, the Sec-

1 retary shall develop and implement a procedure for receiv-
2 ing a complaint alleging a violation of section 101(a).

3 (c) FAILURE TO COMPLY.—In the event that a pro-
4 gram has failed to comply with section 101(a), the Sec-
5 retary shall carry out at least one of the following:

6 (1) Withhold from such program, in whole or in
7 part, further payments (including payments for ad-
8 ministrative costs) under an applicable program (as
9 such term is defined in section 400(c) of the General
10 Education Provisions Act (20 U.S.C. 1221)) in ac-
11 cordance with section 455 of such Act (20 U.S.C.
12 1234d).

13 (2) Enter into a compliance agreement in ac-
14 cordance with section 457 of the General Education
15 Provisions Act (20 U.S.C. 1234f).

16 (3) Issue a complaint to compel compliance of
17 such program through a cease and desist order, in
18 the same manner the Secretary is authorized to take
19 such action under section 456 of the General Edu-
20 cation Provisions Act (20 U.S.C. 1234e).

21 (d) CESSATION OF WITHHOLDING OF FUNDS.—If
22 the Secretary determines (whether by certification or other
23 appropriate evidence) that a program that is subject to
24 the withholding of payments under subsection (c)(1) of
25 this section has cured the failure providing the basis for

1 the withholding of payments on a date that is within one
2 year from the date on which such payments were first
3 withheld, the Secretary shall—

4 (1) cease the withholding of payments with re-
5 spect to that program under such subsection; and

6 (2) reimburse all the withheld payments under
7 such subsection to such program.

8 (e) WITHHELD FUNDS.—The funds appropriated or
9 made available for the payments that were withheld under
10 subsection (c)(1) shall be available for expenditure to that
11 program pursuant to this subsection for up to one year
12 from the date upon which the determination in subsection
13 (d) was made.

14 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion shall be construed to limit the Secretary's authority
16 under the General Education Provisions Act (20 U.S.C.
17 1221 et seq.).

18 **SEC. 104. PARENT NOTIFICATION AND PROTECTION AND**
19 **ADVOCACY SYSTEMS.**

20 (a) NOTIFICATION.—If a student is subject to cor-
21 poral punishment committed by program personnel at a
22 program, the program serving such student shall notify,
23 in writing, not later than 24 hours after such use of force
24 occurs, the facts of such use of force to—

25 (1) the parent or parents of such student;

1 (2) the State educational agency; and

2 (3) the local law enforcement agency.

3 (b) NOTIFICATION FOR STUDENTS WITH DISABIL-
4 ITIES.—In the case of a student described in subsection
5 (a) who is an individual with a disability (as defined in
6 section 3 of the Americans with Disabilities Act of 1990
7 (42 U.S.C. 12102)) the program serving such student
8 shall—

9 (1) in addition to the notification described in
10 such subsection, notify, in writing, not later than 24
11 hours after the use of force described in such sub-
12 section occurs, the facts of such use of force to the
13 relevant protection and advocacy system; and

14 (2) provide any information to the relevant pro-
15 tection and advocacy system that the protection and
16 advocacy system may require.

17 (c) RESTATEMENT OF AUTHORITY.—Protection and
18 advocacy systems shall have the same authorities and
19 rights provided under subtitle C of title I of the Develop-
20 mental Disabilities Assistance and Bill of Rights Act of
21 2000 (42 U.S.C. 15041 et seq.) with respect to protections
22 provided for students under this Act when such students
23 are otherwise eligible to be clients of the protection and
24 advocacy system, including investigating, monitoring, and
25 enforcing such protections.

1 **TITLE II—STATE ACTIVITIES**
2 **AND GRANT PROGRAM**

3 **SEC. 201. STATE PLAN AND ENFORCEMENT.**

4 (a) STATE REQUIREMENTS.—Not later than 18
5 months after the date of enactment of this Act, and every
6 two years thereafter, each State educational agency which
7 receives Federal financial assistance shall provide to the
8 Secretary—

9 (1) a written assurance that—

10 (A) all programs located in such State
11 have been notified of the requirements of this
12 Act;

13 (B) all program personnel of such State
14 educational agency have received training with
15 respect to such requirements;

16 (C) parents of students served by such
17 State educational agency have been notified of
18 the requirements, rights, and remedies available
19 under this Act; and

20 (D) the notification required under sub-
21 paragraph (C) is publicly available on the
22 website of the State educational agency; and

23 (2) a school climate report that includes a de-
24 scription of—

1 (A) the policies and procedures of the
2 State educational agency with respect exclu-
3 sionary and aversive discipline practices or
4 interventions in such schools;

5 (B) how the State educational agency
6 plans to implement, is implementing, or has im-
7 plemented positive behavioral interventions and
8 supports and other models to address student
9 behavior and reduce the use of exclusionary and
10 aversive discipline practices or interventions in
11 the public elementary and secondary schools of
12 such State; and

13 (C) efforts of the State educational agency
14 to ensure program personnel receive the sup-
15 ports and training necessary to implement the
16 interventions, supports, and other models de-
17 scribed in subparagraph (B).

18 (b) LOCAL EDUCATIONAL AGENCY REQUIRE-
19 MENTS.—Not later than one year after the date of the
20 enactment of this Act, and not less than once every two
21 years thereafter, each local educational agency shall sub-
22 mit to the State educational agency a report that includes
23 the information the State educational agency determines
24 necessary to comply with the requirements of subsection
25 (a).

1 (c) REPORT.—Not later than two years after the date
2 of the enactment of this Act, and not less than once every
3 two years thereafter, the Secretary shall—

4 (1) submit to the Committee on Education and
5 Labor of the House of Representatives and the Com-
6 mittee on Health, Education, Labor, and Pensions
7 of the Senate a report summarizing the findings of
8 the reports under subsection (a)(2); and

9 (2) make the reports described in paragraph (1)
10 publicly available.

11 (d) ENFORCEMENT.—

12 (1) IN GENERAL.—

13 (A) USE OF REMEDIES.—If a State edu-
14 cational agency fails to comply with subsection
15 (a), the Secretary shall carry out at least one
16 of the following:

17 (i) Withhold, in whole or in part, fur-
18 ther payments under an applicable pro-
19 gram (as such term is defined in section
20 400(e) of the General Education Provi-
21 sions Act (20 U.S.C. 1221)) in accordance
22 with section 455 of such Act (20 U.S.C.
23 1234d).

24 (ii) Enter into a compliance agree-
25 ment in accordance with section 457 of the

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

3 (iii) Issue a complaint to compel com-
4 pliance of the State educational agency
5 through a cease and desist order, in the
6 same manner the Secretary is authorized
7 to take such action under section 456 of
8 the General Education Provisions Act (20
9 U.S.C. 1234e).

10 (B) CESSATION OF WITHHOLDING OF
11 FUNDS.—If the Secretary determines (whether
12 by certification or other appropriate evidence)
13 that a State educational agency that is subject
14 to the withholding of payments under subpara-
15 graph (A)(i) has cured the failure providing the
16 basis for the withholding of payments within
17 one year from the date on which such payments
18 were first withheld, the Secretary shall—

19 (i) cease the withholding of payments
20 with respect to the State educational agen-
21 cy under such subparagraph; and

22 (ii) reimburse all the withheld pay-
23 ments under such subparagraph to such
24 State educational agency.

1 (2) WITHHELD FUNDS.—The funds appro-
2 priated or made available for the payments that
3 were withheld under paragraph (1)(A)(i) shall be
4 available for expenditure to that program pursuant
5 to this paragraph for up to one year from the date
6 upon which the determination in paragraph (1)(B)
7 was made.

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

12 **SEC. 202. GRANT AUTHORITY.**

13 (a) IN GENERAL.—From the amount appropriated
14 under section 306, the Secretary may award grants to
15 State educational agencies to improve school climate and
16 culture by implementing positive behavioral interventions
17 and supports and other models to address student behav-
18 ior and reduce the use of exclusionary and aversive dis-
19 cipline practices or interventions in public elementary and
20 secondary schools.

21 (b) DURATION OF GRANT.—

22 (1) IN GENERAL.—A grant under this section
23 shall be awarded to a State educational agency for
24 a three-year period.

1 (2) REAPPLICATION.—At the end of a grant pe-
2 riod described in paragraph (1), a State educational
3 agency desiring a subsequent grant under this sec-
4 tion may be eligible for such grant if such State edu-
5 cational agency—

6 (A) submits an application under sub-
7 section (c); and

8 (B) demonstrates—

9 (i) that such State educational agency
10 effectively used grant funds to carry out
11 the required activities under subsection (e)
12 during the previous grant period; and

13 (ii) with respect to such State edu-
14 cational agency, a decrease in at least one
15 of the following:

16 (I) Exclusionary and aversive dis-
17 cipline practices or interventions, in-
18 cluding in-school suspensions, out-of-
19 school suspensions, and expulsions.

20 (II) School-related arrests.

21 (III) Referrals of students to law
22 enforcement.

23 (3) DATA.—A State educational agency shall,
24 with respect to the data used under paragraph
25 (2)(B)(ii)—

1 (A) cross-tabulate such data and
2 disaggregate by race, gender, disability, and
3 English learner; and

4 (B) redact all personally identifiable infor-
5 mation from such data.

6 (c) APPLICATION.—

7 (1) IN GENERAL.—Each State educational
8 agency desiring a grant under this section shall sub-
9 mit an application to the Secretary at such time, in
10 such manner, and accompanied by such information
11 as the Secretary may require, including—

12 (A) information on how the State edu-
13 cational agency will carry out the required ac-
14 tivities specified in subsection (e);

15 (B) a description of how the State edu-
16 cational agency will improve school climate and
17 culture by reducing the use of exclusionary and
18 aversive discipline practices or interventions;

19 (C) a description of how the State edu-
20 cational agency will implement positive behav-
21 ioral interventions and supports and other mod-
22 els to address student behavior and reduce the
23 use of exclusionary and aversive discipline prac-
24 tices or interventions; and

1 (D) a description of how the State edu-
2 cational agency will develop and implement
3 high-quality training for program personnel de-
4 signed to improve school climate and culture
5 and increase the use of positive behavioral
6 interventions and supports and other models to
7 address student behavior and reduce the use of
8 exclusionary and aversive discipline practices or
9 interventions.

10 (2) PRIORITY.—In awarding grants under this
11 section, the Secretary shall give priority to State
12 educational agencies—

13 (A) with a high percentage of in-school
14 suspensions, out-of-school suspensions, expul-
15 sions, school-related arrests, and referrals of
16 students to law enforcement;

17 (B) that lack positive behavioral interven-
18 tions and supports and other models to improve
19 school climate and culture; or

20 (C) that are in most need of assistance re-
21 lating to improving school climate and culture
22 by reducing the use of exclusionary and aversive
23 discipline practices or interventions, as deter-
24 mined by the Secretary.

25 (d) AUTHORITY TO MAKE SUBGRANTS.—

1 (1) IN GENERAL.—A State educational agency
2 receiving a grant under this section may use such
3 grant funds to award subgrants, on a competitive
4 basis in accordance with subsection (e)(2), to local
5 educational agencies.

6 (2) APPLICATION.—A local educational agency
7 desiring to receive a subgrant under this section
8 shall submit an application to the applicable State
9 educational agency at such time, in such manner,
10 and containing such information as the State edu-
11 cational agency may require, including the informa-
12 tion described in subparagraphs (A) through (D) of
13 subsection (c)(1).

14 (e) REQUIRED ACTIVITIES.—

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

19 (A) Developing and implementing high-
20 quality training for program personnel designed
21 to—

22 (i) improve school climate and culture;
23 (ii) increase use of positive behavioral
24 interventions and supports and other mod-
25 els to address student behavior; and

1 (iii) reduce the use of exclusionary
2 and aversive discipline practices or inter-
3 ventions and the discriminatory and dis-
4 proportionate impact such practices have
5 on students based on their race, ethnicity,
6 gender, or disability.

7 (B) Providing technical assistance to im-
8 prove school climate and culture by imple-
9 menting positive behavioral interventions and
10 supports and other models to address student
11 behavior and reduce the use of exclusionary and
12 aversive discipline practices or interventions,
13 such as restorative justice interventions, trau-
14 ma-informed care, crisis and de-escalation inter-
15 ventions, implicit bias training, and culturally
16 responsive teaching.

17 (C) Researching, developing, implementing,
18 and evaluating models, policies, and procedures
19 to reduce the use of exclusionary and aversive
20 discipline practices or interventions in public el-
21 elementary and secondary schools.

22 (2) PRIORITY.—A State educational agency or
23 local educational agency shall prioritize carrying out
24 the activities specified in subparagraphs (A) through

1 (C) of paragraph (1) in public elementary and sec-
2 ondary schools—

3 (A) in which a disproportionately high per-
4 centage of students who have been subjected to
5 disciplinary proceedings or have otherwise expe-
6 rienced the application of such a school’s dis-
7 cipline policies, practices, and procedures, rel-
8 ative to such school’s total student population,
9 are students of color or students with disabil-
10 ities (as defined in section 602 of the Individ-
11 uals with Disabilities Education Act (20 U.S.C.
12 1401));

13 (B) with a high percentage of in-school
14 suspensions, out-of-school suspensions, expul-
15 sions, school-related arrests, and referrals of
16 students to law enforcement;

17 (C) that lack positive behavioral interven-
18 tions and supports and other models to improve
19 school climate and culture; or

20 (D) that have demonstrated meaningful
21 community engagement in selecting models to
22 improve school climate and culture.

23 (f) EVALUATION AND REPORT.—

24 (1) LOCAL EDUCATIONAL AGENCY REPORTS.—

25 Each local educational agency receiving a subgrant

1 under this section shall, at the end of the grant pe-
2 riod for such subgrant, prepare and submit to the
3 State educational agency a report that—

4 (A) evaluates the progress of the local edu-
5 cational agency toward carrying out the re-
6 quired activities under subsection (e); and

7 (B) includes any additional information the
8 State educational agency determines necessary
9 to complete the report required under para-
10 graph (2).

11 (2) STATE EDUCATIONAL AGENCY REPORTS.—

12 Each State educational agency receiving a grant
13 under this section shall, at the end of the three-year
14 grant period for such grant, prepare and submit to
15 the Secretary a report that—

16 (A) evaluates the State's progress toward
17 carrying out the required activities under sub-
18 section (e);

19 (B) includes data on the impact of the
20 grant program on school climate and culture
21 during such grant period, including, with re-
22 spect to the State educational agency, data on
23 the prevalence of, and increase or decrease in—

24 (i) exclusionary and aversive discipline
25 practices or interventions, including in-

1 school suspensions, out-of-school suspen-
2 sions, and expulsions;

3 (ii) school-related arrests; and

4 (iii) student referrals to law enforce-
5 ment;

6 (C) includes the number of high-quality
7 school climate and culture trainings conducted
8 for program personnel during such grant pe-
9 riod;

10 (D) describes the models implemented to
11 improve school climate and culture during such
12 grant period;

13 (E) specifies the number of subgrants
14 made under subsection (d) and the local edu-
15 cational agencies that were awarded such sub-
16 grants; and

17 (F) includes such information as the Sec-
18 retary may require.

19 (3) DATA.—A State educational agency shall,
20 with respect to the data described in paragraph
21 (2)(B)—

22 (A) cross-tabulate and disaggregate the
23 data in the same manner as under subsection
24 (b)(3)(A); and

1 (B) redact all personally identifiable infor-
2 mation from such data.

3 (4) PUBLICATION.—The Secretary shall make
4 each report under paragraph (2) publicly available
5 on the website of the Department.

6 (g) FUNDS AVAILABLE FOR THE DEPARTMENT OF
7 THE INTERIOR.—From the amount appropriated under
8 section 306, the Secretary shall allocate—

9 (1) 0.5 percent of such funds to the Secretary
10 of the Interior for activities under this section with
11 respect to schools operated or funded by the Depart-
12 ment of the Interior, under such terms and condi-
13 tions as the Secretary may prescribe; and

14 (2) 0.5 percent of such funds for activities
15 under this section with respect to schools operated
16 in the outlying areas, under such terms and condi-
17 tions as the Secretary may prescribe.

18 **TITLE III—ADDITIONAL**
19 **PROVISIONS**

20 **SEC. 301. FEDERAL REGULATIONS.**

21 (a) IN GENERAL.—Not later than 180 days after the
22 date of the enactment of this Act, the Secretary shall issue
23 such regulations as are necessary to reasonably ensure
24 compliance with this Act.

1 (b) NEGOTIATED RULEMAKING PROCESS.—In car-
2 rying out subsection (a), the Secretary shall use a nego-
3 tiated rulemaking process described in section 1601 and
4 section 1602 of the Elementary and Secondary Education
5 Act of 1965 (20 U.S.C. 6571; 6572) except subparagraph
6 (A) of subsection (b)(3) of such section 1601 shall apply
7 by substituting “establish a negotiated rulemaking proc-
8 ess;” for the text of such subparagraph.

9 **SEC. 302. OTHER SCHOOLS.**

10 (a) DEPARTMENT OF DEFENSE.—The Secretary of
11 Defense shall ensure that schools operated or funded by
12 the Department of Defense Education Activity or other-
13 wise operated or funded by the Department of Defense
14 for the education of military-connected dependents comply
15 with the regulations promulgated by the Secretary pursu-
16 ant to this Act.

17 (b) DEPARTMENT OF INTERIOR.—The Secretary of
18 the Interior shall ensure that schools operated or funded
19 by the Department of the Interior comply with the regula-
20 tions promulgated by the Secretary pursuant to this Act.

21 **SEC. 303. LIMITATION OF AUTHORITY.**

22 (a) IN GENERAL.—Nothing in this Act shall be con-
23 strued—

24 (1) to restrict or limit, or allow the Secretary
25 to restrict or limit, any other rights or remedies oth-

1 erwise available to students or parents under Fed-
2 eral, State, or local law or regulation; or

3 (2) to restrict or limit Federal, State, or local
4 laws, regulations, or polices that provide for more
5 stringent prohibitions or limitations on the use of
6 corporal punishment than the prohibitions or limita-
7 tions that are provided for in this Act.

8 (b) LAW ENFORCEMENT OFFICER DUTIES.—Noth-
9 ing in this Act shall be construed to prevent a sworn law
10 enforcement officer from carrying out the duties of the
11 officer under otherwise applicable law.

12 (c) RULE OF CONSTRUCTION ON DATA COLLEC-
13 TION.—Nothing in this Act shall be construed to affect
14 the collection of information or data authorized under the
15 statutes and regulations implementing title VI of the Civil
16 Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX
17 of the Education Amendments of 1972 (20 U.S.C. 1681
18 et seq.), section 504 of the Rehabilitation Act of 1973 (29
19 U.S.C. 794 et seq.), or the Department of Education Or-
20 ganization Act (20 U.S.C. 3401 et seq.).

21 **SEC. 304. APPLICABILITY.**

22 (a) PRIVATE SCHOOLS.—Nothing in this Act shall be
23 construed to affect any private school that does not receive
24 Federal financial assistance.

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

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

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

8 **SEC. 305. SEVERABILITY.**

9 If any provision of this Act or the application of such
10 provision to any person or circumstance is held to be un-
11 constitutional, the remaining provisions of this Act and
12 the application of such provisions to any person or cir-
13 cumstance shall not be affected thereby.

14 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

15 There are authorized to be appropriated such sums
16 as may be necessary to carry out this Act for fiscal year
17 2021 and each fiscal year thereafter.

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