

114TH CONGRESS  
1ST SESSION

# S. 811

To amend the Elementary and Secondary Education Act of 1965 to require States to develop policies on positive school climates and school discipline.

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IN THE SENATE OF THE UNITED STATES

MARCH 19, 2015

Mr. MURPHY (for himself, Mr. BOOKER, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To amend the Elementary and Secondary Education Act of 1965 to require States to develop policies on positive school climates and school discipline.

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 “Supportive School Cli-  
5 mate Act of 2015”.

1 **SEC. 2. POSITIVE SCHOOL CLIMATE AND SCHOOL DIS-**  
2 **CIPLINE POLICIES.**

3 (a) STATE PLANS.—Section 1111 of the Elementary  
4 and Secondary Education Act of 1965 (20 U.S.C. 6311)  
5 is amended—

6 (1) in subsection (a), by adding at the end the  
7 following:

8 “(3) POSITIVE SCHOOL CLIMATE AND SCHOOL  
9 DISCIPLINE POLICIES.—In addition to the plan de-  
10 scribed in paragraph (1), a State desiring to receive  
11 a grant under this part to support positive behav-  
12 ioral interventions and support, shall submit to the  
13 Secretary a plan that describes how the State edu-  
14 cational agency will—

15 “(A) coordinate with the local educational  
16 agencies and schools served by the State edu-  
17 cational agency to implement positive, preventa-  
18 tive approaches to exclusionary discipline ac-  
19 tions that promote a positive school climate for  
20 all students and improve engagement for dis-  
21 connected youth, juvenile offenders, and other  
22 students, while minimizing students’ removal  
23 from instruction and, if students are removed,  
24 upon students’ return to the instructional pro-  
25 gram, maximizing students’ opportunities to

1           make up education lost during the period of re-  
2           moval from instruction;

3           “(B) provide technical assistance and  
4           training to local educational agencies to im-  
5           prove and support the development, implemen-  
6           tation, and coordination of comprehensive posi-  
7           tive behavioral interventions and supports car-  
8           ried out under this Act with activities carried  
9           out under the Individuals with Disabilities Edu-  
10          cation Act;

11          “(C) evaluate the effects of providing posi-  
12          tive behavioral interventions and supports for  
13          all students, including improvement of the  
14          learning environment, academic achievement,  
15          disciplinary problems, such as incidents of sus-  
16          pensions, expulsions, referrals to law enforce-  
17          ment, and other actions that remove students  
18          from instruction, and any other effects the  
19          State chooses to evaluate;

20          “(D) ensure all students are on track to be  
21          college and career ready by promoting student  
22          engagement, and preventing dropout;

23          “(E) ensure involvement of students in the  
24          criminal or juvenile justice system is avoided  
25          when addressing minor misbehavior such as

1 non-threatening, non-violent, and non-criminal  
2 misbehavior;

3 “(F) through preventative and alternative  
4 approaches, reduce out-of-school suspensions,  
5 in-school suspensions, expulsions, referrals to  
6 law enforcement, school-based arrests, and ex-  
7 clusionary discipline practices that remove stu-  
8 dents from instruction and, upon students’ re-  
9 turn to the educational program, maximize stu-  
10 dents’ opportunities to make up education lost  
11 during the period of removal from instruction;

12 “(G) in coordination with the State depart-  
13 ment of corrections or a similar agency, ensure  
14 re-entering juvenile offenders receive referrals  
15 to a local educational agency and provide that,  
16 for any juvenile who commits an offense subject  
17 to school expulsion and is subsequently com-  
18 mitted to a detention center, secure facility, or  
19 any other residential placement within the juve-  
20 nile or adult criminal justice system for such of-  
21 fense, the period of expulsion shall run concu-  
22 rrently with the period of commitment to the de-  
23 tention center, secure facility, or other residen-  
24 tial placement;

1           “(H) ensure that school discipline policies  
2           are in compliance with applicable civil rights  
3           laws, are procedurally fair, and practices are  
4           applied equally to all students regardless of  
5           their economic status, English learner status,  
6           race, ethnicity, national origin, religion, or sex,  
7           including gender identity, and ensure that  
8           school discipline policies meet the requirements  
9           of section 504 of the Rehabilitation Act of  
10          1973, title II of the Americans with Disabilities  
11          Act of 1990, the Individuals with Disabilities  
12          Education Act, and implementing regulations of  
13          such section, title, and Act, and that the dis-  
14          ciplinary policies and practices are applied in a  
15          manner that complies with the equal oppor-  
16          tunity requirements of section 504 of the Reha-  
17          bilitation Act of 1973, title II of the Americans  
18          with Disabilities Act of 1990, the Individuals  
19          with Disabilities Education Act, and imple-  
20          menting regulations of such section, title, and  
21          Act; and

22           “(I) in coordination with local educational  
23           agencies and schools, provide annual and public  
24           reporting on, in the aggregate, in-school suspen-  
25           sions, out-of-school suspensions, expulsions, re-

1           referrals to law enforcement, school-based arrests,  
2           and disciplinary transfers (including placements  
3           in alternative schools) in the State  
4           (disaggregated by each category of students de-  
5           scribed in subsection (b)(2)(C)(v), except that  
6           such disaggregation shall not be required in a  
7           case in which the number of students in a cat-  
8           egory is insufficient to yield statistically reliable  
9           information or the results would reveal person-  
10          ally identifiable information about an individual  
11          student).”;

12          (2) in subsection (h)(6)(B)—

13                (A) in clause (i), by striking “and” after  
14                the semicolon;

15                (B) in clause (ii), by striking the period at  
16                the end and inserting “; and”; and

17                (C) by adding at the end the following:

18                    “(iii) the number of incidences of  
19                    school violence, bullying, drug abuse, alco-  
20                    hol abuse, in-school student suspensions,  
21                    out-of-school student suspensions, expul-  
22                    sions, referrals to law enforcement, school-  
23                    based arrests, disciplinary transfers (in-  
24                    cluding placements in alternative schools),  
25                    and student detentions, disaggregated by

1           each category of students described in sub-  
2           section (b)(2)(C)(v) for each such type of  
3           incident.”.

4           (b) LOCAL EDUCATIONAL AGENCY PLANS.—Section  
5 1112(b)(1) of the Elementary and Secondary Education  
6 Act of 1965 (20 U.S.C. 6312(b)(1)) is amended—

7           (1) in subparagraph (P), by striking “and”  
8           after the semicolon;

9           (2) in subparagraph (Q), by striking the period  
10          at the end and inserting “; and”; and

11          (3) by adding at the end the following:

12                 “(R) where appropriate, a description of  
13                 how the local educational agency will support  
14                 positive behavior interventions and supports  
15                 by—

16                         “(i) establishing parental notification  
17                         requirements for out-of-school suspensions,  
18                         in-school suspensions, expulsions, school-  
19                         based arrests, referrals to law enforcement,  
20                         and exclusionary discipline practices that  
21                         remove students from instruction, in ac-  
22                         cordance with section 444 of the General  
23                         Education Provisions Act (20 U.S.C.  
24                         1232g) (commonly known as the ‘Family

1 Educational Rights and Privacy Act of  
2 1974’);

3 “(ii) establishing systems to engage  
4 families and community members with the  
5 school in meaningful and sustained ways,  
6 such as through case management services  
7 and mentoring to promote positive student  
8 academic achievement, developmental, and  
9 social emotional growth, including non-cog-  
10 nitive skill development; and

11 “(iii) establishing best practices for a  
12 school conduct and discipline code, that—

13 “(I) protects students and staff  
14 from harm;

15 “(II) provides constructive oppor-  
16 tunities for students to learn from  
17 their mistakes rather than exclude  
18 them from the learning community;

19 “(III) fosters a positive learning  
20 community by providing a continuum  
21 of interventions, supports, and strate-  
22 gies within a tiered prevention frame-  
23 work;

24 “(IV) keeps students in school;  
25 and



1                   “(V) shows mindful consideration  
2                   of negative impacts that may have oc-  
3                   curred as a result of involvement with  
4                   the criminal justice system.”.

5           (c) PREVENTION AND INTERVENTION PROGRAMS  
6 FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DE-  
7 LINQUENT, OR AT RISK OF DROPPING OUT.—Part D of  
8 title I of the Elementary and Secondary Education Act  
9 of 1965 (20 U.S.C. 6421 et seq.) is amended—

10                   (1) in section 1414—

11                   (A) in subsection (a)(2)—

12                   (i) in subparagraph (B), by striking  
13                   “and” after the semicolon;

14                   (ii) in subparagraph (C)(iv), by strik-  
15                   ing the period at the end and inserting “;  
16                   and”; and

17                   (iii) by adding at the end the fol-  
18                   lowing:

19                   “(D) provide assurances that the State  
20                   educational agency has established—

21                   “(i) procedures to ensure that each  
22                   student who has been placed in the juve-  
23                   nile justice system is promptly re-enrolled  
24                   in secondary school or placed in a re-entry

1 program that best meets the education and  
2 social needs of the student;

3 “(ii) procedures for facilitating the  
4 transfer of credits that such student  
5 earned during placement; and

6 “(iii) opportunities for such student to  
7 participate in postsecondary and career  
8 pathways.”; and

9 (B) in subsection (c)(9)—

10 (i) by striking “encourage” and in-  
11 serting “require, to the extent prac-  
12 ticable,”;

13 (ii) by inserting “and following” after  
14 “youth prior to”; and

15 (iii) by inserting “and that transition  
16 plans are in place” before the semicolon at  
17 the end;

18 (2) in section 1416(4), by inserting “and the  
19 development and implementation of transition plans”  
20 before the semicolon at the end;

21 (3) in section 1423—

22 (A) by striking paragraph (4) and insert-  
23 ing the following:

24 “(4) a description of the activities that the local  
25 educational agency will carry out to facilitate the

1       successful transition of children and youth in locally  
2       operated institutions for neglected and delinquent  
3       children and other correctional institutions into  
4       schools served by the local education agency or, as  
5       appropriate, into career and technical education and  
6       postsecondary education programs, including sup-  
7       port services to help ensure the success of those chil-  
8       dren and youth after leaving an institution, such  
9       as—

10               “(A) personal, career, and academic coun-  
11               seling;

12               “(B) placement services designed to place  
13               those youth in a university, college, or commu-  
14               nity college program, including academic eval-  
15               uations;

16               “(C) information concerning, and assist-  
17               ance in obtaining, available student financial  
18               aid; and

19               “(D) job placement services;” and

20               (B) by striking paragraph (10) and insert-  
21               ing the following:

22               “(10) as appropriate, a description of how the  
23               local educational agency will address the needs of  
24               children and youth who return from institutions for  
25               neglected and delinquent children and youth or from

1 other correctional institutions and attend regular or  
2 alternative schools;”;

3 (4) in section 1425—

4 (A) in paragraph (10), by striking “and”  
5 after the semicolon;

6 (B) in paragraph (11), by striking the pe-  
7 riod at the end and inserting a semicolon; and

8 (C) by adding at the end the following:

9 “(12) develop an initial educational services  
10 transition plan for each child or youth served under  
11 this subpart upon entry into the correctional facility,  
12 in partnership with the child’s or youth’s family  
13 members and the local educational agency that most  
14 recently provided services to the child or youth (if  
15 applicable), consistent with section 1414(a)(1); and

16 “(13) consult with the local educational agency  
17 for a period jointly determined necessary by the cor-  
18 rectional facility and local educational agency upon  
19 discharge from that facility, to coordinate edu-  
20 cational services so as to minimize disruption to the  
21 child’s or youth’s achievement.”; and

22 (5) by striking section 1426 and inserting the  
23 following:

24 **“SEC. 1426. ACCOUNTABILITY.**

25 “The State educational agency—

1           “(1) shall require correctional facilities or insti-  
2           tutions for neglected or delinquent children and  
3           youth to annually report on the number of children  
4           and youth released from the correctional facility or  
5           institution who returned or did not return to school,  
6           the number of children and youth obtaining a high  
7           school diploma or its recognized equivalent, and the  
8           number of children and youth obtaining employment;  
9           and

10           “(2) may require correctional facilities or insti-  
11           tutions for neglected and delinquent children and  
12           youth to demonstrate, after receiving assistance  
13           under this subpart for 3 years, that there has been  
14           an increase in the number of children and youth re-  
15           turning to school, obtaining a high school diploma or  
16           its recognized equivalent, or obtaining employment  
17           after such children and youth are released.”.

18           (d) NATIONAL PROGRAM FOR TECHNICAL ASSIST-  
19 ANCE.—Section 4121 of the Elementary and Secondary  
20 Education Act of 1965 (20 U.S.C. 7131) is amended by  
21 adding at the end the following:

22           “(c) NATIONAL PROGRAM FOR TECHNICAL ASSIST-  
23 ANCE.—From funds made available to carry out this sub-  
24 part, not more than 5 percent shall be made available to  
25 the Secretary to provide technical assistance to State chief

1 executive officers, State agencies, local educational agen-  
2 cies and other recipients of funding under this part to sup-  
3 port these entities in achieving the goals and outcomes de-  
4 scribed in this part. Such activities for technical assistance  
5 may include developing comprehensive, evidence-based  
6 professional development and training programs for rel-  
7 evant school staff and contractors to improve school safety  
8 and climate for students and staff that may include—

9           “(1) implementation of a school-wide, multi-  
10 tiered system of behavioral support, with a con-  
11 tinuum of interventions and supports to address the  
12 needs of all students;

13           “(2) effective classroom management strategies  
14 that recognize appropriate behavior and provide de-  
15 velopmentally appropriate conflict resolution prac-  
16 tices, incident de-escalation techniques and data-  
17 based decisionmaking;

18           “(3) crisis management techniques;

19           “(4) effective strategies for asserting authority  
20 with adolescents that recognize age-appropriate be-  
21 havior and provide developmentally appropriate re-  
22 sponses;

23           “(5) training in prevention of racial bias and  
24 culturally responsive pedagogy, and training on how  
25 a student’s disability can affect the student’s behav-

1 ior, in accordance with title II, the Individuals with  
2 Disabilities Education Act, and section 504 of the  
3 Rehabilitation Act of 1973;

4 “(6) trauma-informed approaches and interven-  
5 tions, with particular attention to recognizing the  
6 signs of trauma;

7 “(7) for schools in need of improvement with  
8 high or significantly disparate disciplinary rates  
9 based on race, ethnicity, sex (including gender iden-  
10 tity), disability, providing technical assistance and  
11 support to identify the root causes of such rates or  
12 disparities through diagnostic analysis of data or as-  
13 sessing school-wide discipline issues, and imple-  
14 menting evidence-based practices to reduce such  
15 rates or disparities;

16 “(8) developing, implementing, and evaluating  
17 comprehensive programs and activities, in coordina-  
18 tion with other schools and community-based serv-  
19 ices and programs, rooted in holistic and positive ap-  
20 proaches, that encompasses a ‘strategy or frame-  
21 work’ based on positive discipline strategies that  
22 limit the use and scope of exclusionary discipline  
23 strategies; and

24 “(9) developing guidelines regarding the use of  
25 law enforcement in a school setting, and, in par-

1 ticular, distinguishing between incidents to be han-  
2 dled by educators and those to be handled by law en-  
3 forcement officers.”.

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