

115TH CONGRESS
2D SESSION

S. 2618

To amend subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 in order to ensure that grant activities do not discourage the reporting of violent offenses or interfere with Federal, State, or local law enforcement agencies.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2018

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

A BILL

To amend subpart 1 of part A of title IV of the Elementary and Secondary Education Act of 1965 in order to ensure that grant activities do not discourage the reporting of violent offenses or interfere with Federal, State, or local law enforcement agencies.

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 “Asserting Basic Com-
5 mon-sense Coordination in School Discipline Act” or the
6 “ABCs in School Discipline Act”.

1 **SEC. 2. ENSURING EFFECTIVE COMMUNICATION AND CO-**
2 **OPERATION BETWEEN SCHOOLS AND LAW**
3 **ENFORCEMENT AGENCIES.**

4 (a) RESTRICTION REGARDING DISCIPLINARY
5 PLANS.—Section 4104 of the Elementary and Secondary
6 Education Act of 1965 (20 U.S.C. 7114) is amended by
7 adding at the end the following:

8 “(d) RESTRICTION REGARDING DISCIPLINARY
9 PLANS.—Nothing in this section shall be construed to au-
10 thorize a State educational agency or local educational
11 agency to use any funds made available under this subpart
12 to develop or implement a discipline policy that discour-
13 ages schools from reporting any disciplinary action to law
14 enforcement agencies, or discourages law enforcement
15 agencies from arresting an individual, for—

16 “(1) any misdemeanor crime of domestic vio-
17 lence;

18 “(2) harassing, stalking, or threatening an inti-
19 mate partner, or engaging in other conduct that
20 would place an intimate partner in reasonable fear
21 of bodily injury;

22 “(3) any crime that is punishable by imprison-
23 ment for a term exceeding 1 year;

24 “(4) any crime related to being a fugitive from
25 justice;

26 “(5) unlawful possession of a firearm; or

1 “(6) exhibiting verbal or physical threatening
2 behavior towards others, including—

3 “(A) acts of violence resulting in expulsion
4 from school;

5 “(B) threats involving firearms or other
6 weapons; or

7 “(C) other actions resulting in a reason-
8 able fear of bodily injury.”.

9 (b) RULE OF CONSTRUCTION.—Section 4108 of the
10 Elementary and Secondary Education Act of 1965 (20
11 U.S.C. 7118) is amended—

12 (1) in the matter preceding paragraph (1), by
13 striking “Subject to” and inserting the following:

14 “(a) IN GENERAL.—Subject to”; and

15 (2) by adding at the end the following:

16 “(b) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion shall be construed to—

18 “(1) prevent Federal, State, or local law en-
19 forcement agencies from detaining or arresting an
20 individual who could otherwise be detained or ar-
21 rested for an alleged violent offense; or

22 “(2) otherwise interfere with a Federal, State,
23 or local law enforcement agency’s discretion to inves-
24 tigate legitimate threats to school safety.”.