

114TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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\_\_\_\_\_ introduced the following bill; which was read twice  
and referred to the Committee on \_\_\_\_\_

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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”.

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

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

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

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

10           “(A) coordinate with the local educational  
11 agencies and schools served by the State edu-  
12 cational agency to implement positive, preventa-  
13 tive approaches to exclusionary discipline ac-  
14 tions that promote a positive school climate for  
15 all students and improve engagement for dis-  
16 connected youth, juvenile offenders, and other  
17 students, while minimizing students’ removal  
18 from instruction and, if students are removed,  
19 upon students’ return to the instructional pro-  
20 gram, maximizing students’ opportunities to  
21 make up education lost during the period of re-  
22 moval from instruction;

23           “(B) provide technical assistance and  
24 training to local educational agencies to im-  
25 prove and support the development, implemen-

1           tation, and coordination of comprehensive posi-  
2           tive behavioral interventions and supports car-  
3           ried out under this Act with activities carried  
4           out under the Individuals with Disabilities Edu-  
5           cation Act;

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

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

18          “(E) ensure involvement of students in the  
19          criminal or juvenile justice system is avoided  
20          when addressing minor misbehavior such as  
21          non-threatening, non-violent, and non-criminal  
22          misbehavior;

23          “(F) through preventative and alternative  
24          approaches, reduce out-of-school suspensions,  
25          in-school suspensions, expulsions, referrals to

1 law enforcement, school-based arrests, and ex-  
2 clusionary discipline practices that remove stu-  
3 dents from instruction and, upon students' re-  
4 turn to the educational program, maximize stu-  
5 dents' opportunities to make up education lost  
6 during the period of removal from instruction;

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

20 “(H) ensure that school discipline policies  
21 are in compliance with applicable civil rights  
22 laws, are procedurally fair, and practices are  
23 applied equally to all students regardless of  
24 their economic status, English learner status,  
25 race, ethnicity, national origin, religion, or sex,

1 including gender identity, and ensure that  
2 school discipline policies meet the requirements  
3 of section 504 of the Rehabilitation Act of  
4 1973, title II of the Americans with Disabilities  
5 Act of 1990, the Individuals with Disabilities  
6 Education Act, and implementing regulations of  
7 such section, title, and Act, and that the dis-  
8 ciplinary policies and practices are applied in a  
9 manner that complies with the equal oppor-  
10 tunity requirements of section 504 of the Reha-  
11 bilitation Act of 1973, title II of the Americans  
12 with Disabilities Act of 1990, the Individuals  
13 with Disabilities Education Act, and imple-  
14 menting regulations of such section, title, and  
15 Act; and

16 “(I) in coordination with local educational  
17 agencies and schools, provide annual and public  
18 reporting on, in the aggregate, in-school suspen-  
19 sions, out-of-school suspensions, expulsions, re-  
20 ferrals to law enforcement, school-based arrests,  
21 and disciplinary transfers (including placements  
22 in alternative schools) in the State  
23 (disaggregated by each category of students de-  
24 scribed in subsection (b)(2)(C)(v), except that  
25 such disaggregation shall not be required in a

1 case in which the number of students in a cat-  
2 egory is insufficient to yield statistically reliable  
3 information or the results would reveal person-  
4 ally identifiable information about an individual  
5 student).”]; and

6 (2) in subsection (h)(6)(B)—

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

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

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

12 “(iii) the number of incidences of  
13 school violence, bullying, drug abuse, alco-  
14 hol abuse, in-school student suspensions,  
15 out-of-school student suspensions, expul-  
16 sions, referrals to law enforcement, school-  
17 based arrests, disciplinary transfers (in-  
18 cluding placements in alternative schools),  
19 and student detentions, disaggregated by  
20 each category of students described in sub-  
21 section (b)(2)(C)(v) for each such type of  
22 incident.”.

23 (b) LOCAL EDUCATIONAL AGENCY PLANS.—Section  
24 1112(b)(1) of the Elementary and Secondary Education  
25 Act of 1965 (20 U.S.C. 6312(b)(1)) is amended—

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

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

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

6           “(R) where appropriate, a description of  
7 how the local educational agency will support  
8 positive behavior interventions and supports  
9 by—

10                   “(i) establishing parental notification  
11 requirements for out-of-school suspensions,  
12 in-school suspensions, expulsions, school-  
13 based arrests, referrals to law enforcement,  
14 and exclusionary discipline practices that  
15 remove students from instruction, in ac-  
16 cordance with section 444 of the General  
17 Education Provisions Act (20 U.S.C.  
18 1232g) (commonly known as the ‘Family  
19 Educational Rights and Privacy Act of  
20 1974’);

21                   “(ii) establishing systems to engage  
22 families and community members with the  
23 school in meaningful and sustained ways,  
24 such as through case management services  
25 and mentoring to promote positive student

1 academic achievement, developmental, and  
2 social emotional growth, including non-cog-  
3 nitive skill development; and

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

6 “(I) protects students and staff  
7 from harm;

8 “(II) provides constructive oppor-  
9 tunities for students to learn from  
10 their mistakes rather than exclude  
11 them from the learning community;

12 “(III) fosters a positive learning  
13 community by providing a continuum  
14 of interventions, supports, and strate-  
15 gies within a tiered prevention frame-  
16 work;

17 “(IV) keeps students in school;  
18 and

19 “(V) shows mindful consideration  
20 of negative impacts that may have oc-  
21 curred as a result of involvement with  
22 the criminal justice system.”.

23 (c) PREVENTION AND INTERVENTION PROGRAMS  
24 FOR CHILDREN AND YOUTH WHO ARE NEGLECTED, DE-  
25 LINQUENT, OR AT RISK OF DROPPING OUT.—Part D of

1 title I of the Elementary and Secondary Education Act  
2 of 1965 (20 U.S.C. 6421 et seq.) is amended—

3 (1) in section 1414—

4 (A) in subsection (a)(2)—

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

7 (ii) in subparagraph (C)(iv), by strik-  
8 ing the period at the end and inserting “;  
9 and”; and

10 (iii) by adding at the end the fol-  
11 lowing:

12 “(D) provide assurances that the State  
13 educational agency has established—

14 “(i) procedures to ensure that each  
15 student who has been placed in the juve-  
16 nile justice system is promptly re-enrolled  
17 in secondary school or placed in a re-entry  
18 program that best meets the education and  
19 social needs of the student;

20 “(ii) procedures for facilitating the  
21 transfer of credits that such student  
22 earned during placement; and

23 “(iii) opportunities for such student to  
24 participate in postsecondary and career  
25 pathways.”; and

1 (B) in subsection (c)(9)—

2 (i) by striking “encourage” and in-  
3 serting “require, to the extent prac-  
4 ticable,”;

5 (ii) by inserting “and following” after  
6 “youth prior to”; and

7 (iii) by inserting “and that transition  
8 plans are in place” before the semicolon at  
9 the end;

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

13 (3) in section 1423—

14 (A) by striking paragraph (4) and insert-  
15 ing the following:

16 “(4) a description of the activities that the local  
17 educational agency will carry out to facilitate the  
18 successful transition of children and youth in locally  
19 operated institutions for neglected and delinquent  
20 children and other correctional institutions into  
21 schools served by the local education agency or, as  
22 appropriate, into career and technical education and  
23 postsecondary education programs, including sup-  
24 port services to help ensure the success of those chil-

1       dren and youth after leaving an institution, such  
2       as—

3               “(A) personal, career, and academic coun-  
4       seling;

5               “(B) placement services designed to place  
6       those youth in a university, college, or commu-  
7       nity college program, including academic eval-  
8       uations;

9               “(C) information concerning, and assist-  
10       ance in obtaining, available student financial  
11       aid; and

12               “(D) job placement services;”; and

13               (B) by striking paragraph (10) and insert-  
14       ing the following:

15               “(10) as appropriate, a description of how the  
16       local educational agency will address the needs of  
17       children and youth who return from institutions for  
18       neglected and delinquent children and youth or from  
19       other correctional institutions and attend regular or  
20       alternative schools;”;

21               (4) in section 1425—

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

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

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

2 “(12) develop an initial educational services  
3 transition plan for each child or youth served under  
4 this subpart upon entry into the correctional facility,  
5 in partnership with the child’s or youth’s family  
6 members and the local educational agency that most  
7 recently provided services to the child or youth (if  
8 applicable), consistent with section 1414(a)(1); and

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

15 (5) by striking section 1426 and inserting the  
16 following:

17 **“SEC. 1426. ACCOUNTABILITY.**

18 “The State educational agency—

19 “(1) shall require correctional facilities or insti-  
20 tutions for neglected or delinquent children and  
21 youth to annually report on the number of children  
22 and youth released from the correctional facility or  
23 institution who returned or did not return to school,  
24 the number of children and youth obtaining a high  
25 school diploma or its recognized equivalent, and the

1 number of children and youth obtaining employment;  
2 and

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

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

15 “(e) NATIONAL PROGRAM FOR TECHNICAL ASSIST-  
16 ANCE.—From funds made available to carry out this sub-  
17 part, not more than 5 percent shall be made available to  
18 the Secretary to provide technical assistance to State chief  
19 executive officers, State agencies, local educational agen-  
20 cies and other recipients of funding under this part to sup-  
21 port these entities in achieving the goals and outcomes de-  
22 scribed in this part. Such activities for technical assistance  
23 may include developing comprehensive, evidence-based  
24 professional development and training program for rel-

1 evant school staff and contractors to improve school safety  
2 and climate for students and staff that may include—

3 “(1) implementation of a school-wide, multi-  
4 tiered system of behavioral support, with a con-  
5 tinuum of interventions and supports to address the  
6 needs of all students;

7 “(2) effective classroom management strategies  
8 that recognize appropriate behavior and provide de-  
9 velopmentally appropriate conflict resolution prac-  
10 tices, incident de-escalation techniques and data-  
11 based decisionmaking;

12 “(3) crisis management techniques;

13 “(4) effective strategies for asserting authority  
14 with adolescents that recognize age-appropriate be-  
15 havior and provide developmentally-appropriate re-  
16 sponses;

17 “(5) training in prevention of racial bias and  
18 culturally responsive pedagogy, and training on how  
19 a student’s disability can affect the student’s behav-  
20 ior, in accordance with title II, the Individuals with  
21 Disabilities Education Act, and section 504 of the  
22 Rehabilitation Act of 1973;

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

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

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

18           “(9) developing guidelines regarding the use of  
19 law enforcement in a school setting, and, in par-  
20 ticular, distinguishing between incidents to be han-  
21 dled by educators and those to be handled by law en-  
22 forcement officers.”.