

.....  
(Original Signature of Member)

111TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To prevent and reduce the use of physical restraint and seclusion in schools,  
and for other purposes.

\_\_\_\_\_  
IN THE HOUSE OF REPRESENTATIVES

Mr. GEORGE MILLER of California (for himself and Mrs. McMORRIS ROD-  
GERS) introduced the following bill; which was referred to the Committee  
on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To prevent and reduce the use of physical restraint and  
seclusion 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.**

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:

1           (1) Physical restraint and seclusion have re-  
2           sulted in physical injury, psychological trauma, and  
3           death to children in public and private schools. Na-  
4           tional research shows students have been subjected  
5           to physical restraint and seclusion in schools as a  
6           means of discipline, to force compliance, or as a sub-  
7           stitute for appropriate educational support.

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

15          (3) Safe, effective, evidence-based strategies are  
16          available to support children who display challenging  
17          behaviors in school settings. Staff training focused  
18          on the dangers of physical restraint and seclusion as  
19          well as training in evidence-based positive behavior  
20          supports, de-escalation techniques, and physical re-  
21          straint and seclusion prevention, can reduce the inci-  
22          dence of injury, trauma, and death.

23          (4) School personnel have the right to work in  
24          a safe environment and should be provided training

1 and support to prevent injury and trauma to them-  
2 selves and others.

3 (5) Despite the widely recognized risks of phys-  
4 ical restraint and seclusion, a substantial disparity  
5 exists among many States and localities with regard  
6 to the protection and oversight of the rights of chil-  
7 dren and school personnel to a safe learning environ-  
8 ment.

9 (6) Children are subjected to physical restraint  
10 and seclusion at higher rates than adults. Physical  
11 restraint which restricts breathing or causes other  
12 body trauma, as well as seclusion in the absence of  
13 continuous face-to-face monitoring, have resulted in  
14 the deaths of children in schools.

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

21 (8) Research confirms that physical restraint  
22 and seclusion are not therapeutic, nor are these  
23 practices effective means to calm or teach children,  
24 and may have an opposite effect while simulta-  
25 neously decreasing a child's ability to learn.

1           (9) The effective implementation of school-wide  
2 positive behavior supports is linked to greater aca-  
3 demic achievement, significantly fewer disciplinary  
4 problems, increased instruction time, and staff per-  
5 ception of a safer teaching environment.

6 **SEC. 3. PURPOSES.**

7 The purposes of this Act are to—

8           (1) prevent and reduce the use of physical re-  
9 straint and seclusion in schools;

10           (2) ensure the safety of all students and per-  
11 sonnel in schools and promote a positive school cul-  
12 ture and climate;

13           (3) protect students from—

14                   (A) physical or mental abuse;

15                   (B) aversive behavioral interventions that  
16 compromise health and safety; and

17                   (C) any physical restraint or seclusion im-  
18 posed solely for purposes of discipline or con-  
19 venience;

20           (4) ensure that physical restraint and seclusion  
21 are imposed in school only when a student's behavior  
22 poses an imminent danger of physical injury to the  
23 student, school personnel, or others; and

24           (5) assist States, local educational agencies,  
25 and schools in—

1 (A) establishing policies and procedures to  
2 keep all students and school personnel safe, in-  
3 cluding students with the most complex and in-  
4 tensive behavioral needs;

5 (B) providing school personnel with the  
6 necessary tools, training, and support to ensure  
7 the safety of all students and all school per-  
8 sonnel;

9 (C) collecting and analyzing data on phys-  
10 ical restraint and seclusion in schools; and

11 (D) identifying and implementing effective  
12 evidence-based models to prevent and reduce  
13 physical restraint and seclusion in schools.

14 **SEC. 4. DEFINITIONS.**

15 In this Act:

16 (1) **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 the standard treatment of a student’s medical  
22 or psychiatric condition; and

23 (B) administered as prescribed by the li-  
24 censed physician.

1           (2) EDUCATIONAL SERVICE AGENCY.—The  
2 term “educational service agency” has the meaning  
3 given such term in section 9101(17) of the Elemen-  
4 tary and Secondary Education Act of 1965 (20  
5 U.S.C. 7801(17)).

6           (3) ELEMENTARY SCHOOL.—The term “elemen-  
7 tary school” has the meaning given the term in sec-  
8 tion 9101(18) of the Elementary and Secondary  
9 Education Act of 1965 (20 U.S.C. 7801(18)).

10          (4) LOCAL EDUCATIONAL AGENCY.—The term  
11 “local educational agency” has the meaning given  
12 the term in section 9101(26) of the Elementary and  
13 Secondary Education Act of 1965 (20 U.S.C.  
14 7801(26)).

15          (5) MECHANICAL RESTRAINT.—The term “me-  
16 chanical restraint” has the meaning given the term  
17 in section 595(d)(1) of the Public Health Service  
18 Act (42 U.S.C. 290jj(d)(1)), except that the mean-  
19 ing shall be applied by substituting “student’s” for  
20 “resident’s”.

21          (6) PARENT.—The term “parent” has the  
22 meaning given the term in section 9101(31) of the  
23 Elementary and Secondary Education Act of 1965  
24 (20 U.S.C. 7801(31)).

1           (7) PHYSICAL ESCORT.—The term “physical es-  
2           cort” has the meaning given the term in section  
3           595(d)(2) of the Public Health Service Act (42  
4           U.S.C. 290jj(d)(2)), except that the meaning shall  
5           be applied by substituting “student” for “resident”.

6           (8) PHYSICAL RESTRAINT.—The term “physical  
7           restraint” has the meaning given the term in section  
8           595(d)(3) of the Public Health Service Act (42  
9           U.S.C. 290jj(d)(3)).

10          (9) POSITIVE BEHAVIOR SUPPORTS.—The term  
11          “positive behavior supports” means a systematic ap-  
12          proach to embed evidence-based practices and data-  
13          driven decision-making to improve school climate  
14          and culture, including a range of systemic and indi-  
15          vidualized strategies to reinforce desired behaviors  
16          and diminish reoccurrence of problem behaviors, in  
17          order to achieve improved academic and social out-  
18          comes and increase learning for all students, includ-  
19          ing those with the most complex and intensive be-  
20          havioral needs.

21          (10) PROTECTION AND ADVOCACY SYSTEM.—  
22          The term “protection and advocacy system” means  
23          a protection and advocacy system established under  
24          section 143 of the Developmental Disabilities Assist-

1           ance and Bill of Rights Act of 2000 (42 U.S.C.  
2           15043).

3           (11) SCHOOL.—The term “school” means an  
4           entity that—

5                   (A) is a public or private—

6                           (i) day or residential elementary  
7                           school or secondary school; or

8                           (ii) early childhood, elementary school,  
9                           or secondary school program that is under  
10                          the jurisdiction of a school, educational  
11                          service agency, or other educational insti-  
12                          tution or program; and

13                   (B) receives, or serves students who re-  
14                   ceive, support in any form from any program  
15                   supported in whole or in part, directly or indi-  
16                   rectly, with funds appropriated to the Depart-  
17                   ment of Education.

18           (12) SCHOOL PERSONNEL.—The term “school  
19           personnel” has the meaning—

20                   (A) given the term in section 4151(10) of  
21                   the Elementary and Secondary Education Act  
22                   of 1965 (20 U.S.C. 7161(10)); and

23                   (B) given the term “school resource offi-  
24                   cer” in section 4151(11) of the Elementary and



1           Secondary Education Act of 1965 (20 U.S.C.  
2           7161(11)).

3           (13) SECONDARY SCHOOL.—The term sec-  
4           ondary school has the meaning given such term in  
5           section 9101(38) of the Elementary and Secondary  
6           Education Act of 1965 (20 U.S.C. 7801(38)).

7           (14) SECLUSION.—The term “seclusion” has  
8           the meaning given the term in section 595(d)(4) of  
9           the Public Health Service Act (42 U.S.C.  
10          290jj(d)(4)).

11          (15) SECRETARY.—The term “Secretary”  
12          means the Secretary of Education.

13          (16) STATE-APPROVED TRAINING PROGRAM.—  
14          The term “State-approved training program” means  
15          a training program approved by a State and the  
16          Secretary that, at a minimum, provides—

17                (A) evidence-based techniques shown to be  
18                effective in the prevention, and safe use, of  
19                physical restraint and seclusion;

20                (B) evidence-based skills training related  
21                to positive behavior supports, safe physical es-  
22                cort, conflict prevention, de-escalation, and con-  
23                flict management;

24                (C) first aid and cardiopulmonary resus-  
25                citation; and

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

5 (17) STATE.—The term “State” has the mean-  
6 ing given the term in section 9101 of the Elemen-  
7 tary and Secondary Education Act of 1965 (20  
8 U.S.C. 7801).

9 (18) STATE EDUCATIONAL AGENCY.—The term  
10 “State educational agency” has the meaning given  
11 such term in section 9101(41) of the Elementary  
12 and Secondary Education Act of 1965 (20 U.S.C.  
13 7801(41)).

14 (19) STUDENT.—The term “student” means a  
15 student enrolled in a school defined in paragraph  
16 (11), except that in the case of a private school or  
17 private program, such term means a student en-  
18 rolled in such school or program who receives sup-  
19 port in any form from any program supported in  
20 whole or in part, directly or indirectly, with funds  
21 appropriated to the Department of Education.

22 (20) TIME OUT.—The term “time out” has the  
23 meaning given the term in section 595(d)(5) of the  
24 Public Health Service Act (42 U.S.C. 290jj(d)(5)),

1           except that the meaning shall be applied by sub-  
2           stituting “student” for “resident”.

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

4           (a) MINIMUM STANDARDS.—Not later than 180 days  
5 after the date of the enactment of this Act, in order to  
6 protect each student from physical or mental abuse, aver-  
7 sive behavioral interventions that compromise student  
8 health and safety, or any physical restraint or seclusion  
9 imposed solely for purposes of discipline or convenience  
10 or in a manner otherwise inconsistent with this Act, the  
11 Secretary shall promulgate regulations establishing the  
12 following minimum standards:

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

15                   (A) Mechanical restraints.

16                   (B) Chemical restraints.

17                   (C) Physical restraint or physical escort  
18           that restricts breathing.

19                   (D) Aversive behavioral interventions that  
20           compromise health and safety.

21           (2) School personnel shall be prohibited from  
22           imposing physical restraint or seclusion on a student  
23           unless—

1 (A) the student's behavior poses an immi-  
2 nent danger of physical injury to the student,  
3 school personnel, or others;

4 (B) less restrictive interventions would be  
5 ineffective in stopping such imminent danger of  
6 physical injury;

7 (C) such physical restraint or seclusion is  
8 imposed by school personnel who—

9 (i) continuously monitor the student  
10 face-to-face; or

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

15 (D) such physical restraint or seclusion is  
16 imposed by—

17 (i) school personnel trained and cer-  
18 tified by a State-approved training pro-  
19 gram (as defined in section 4(16)); or

20 (ii) other school personnel in the case  
21 of a rare and clearly unavoidable emer-  
22 gency circumstance when school personnel  
23 trained and certified as described in clause  
24 (i) are not immediately available due to the

1                   unforeseeable nature of the emergency cir-  
2                   cumstance; and

3                   (E) such physical restraint or seclusion  
4                   end immediately upon the cessation of the con-  
5                   ditions described in subparagraphs (A) and (B).

6                   (3) States and local educational agencies shall  
7                   ensure that a sufficient number of personnel are  
8                   trained and certified by a State-approved training  
9                   program (as defined in section 4(16)) to meet the  
10                  needs of the specific student population in each  
11                  school.

12                  (4) The use of physical restraint or seclusion as  
13                  a planned intervention shall not be written into a  
14                  student's education plan, individual safety plan, be-  
15                  havioral plan, or individualized education program  
16                  (as defined in section 602 of the Individuals with  
17                  Disabilities Act (20 U.S.C. 1401)). Local edu-  
18                  cational agencies or schools may establish policies  
19                  and procedures for use of physical restraint or seclu-  
20                  sion in school safety or crisis plans, provided that  
21                  such school plans are not specific to any individual  
22                  student.

23                  (5) Schools shall establish procedures to be fol-  
24                  lowed after each incident involving the imposition of

1 physical restraint or seclusion upon a student, in-  
2 cluding—

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

6 (i) an immediate verbal or electronic  
7 communication on the same day as each  
8 such incident; and

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

11 (B) any other procedures the Secretary de-  
12 termines appropriate.

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

16 (1) time out (as defined in section 4(20)); or

17 (2) devices implemented by a trained school  
18 personnel, or utilized by a student, for the specific  
19 and approved therapeutic or safety purposes for  
20 which such devices were designed and, if applicable,  
21 prescribed, including—

22 (A) restraints for medical immobilization;

23 (B) adaptive devices or mechanical sup-  
24 ports used to achieve proper body position, bal-  
25 ance, or alignment to allow greater freedom of

1 mobility than would be possible without the use  
2 of such devices or mechanical supports; or

3 (C) vehicle safety restraints when used as  
4 intended during the transport of a student in a  
5 moving vehicle.

6 **SEC. 6. STATE PLAN AND REPORT REQUIREMENTS AND EN-**  
7 **FORCEMENT.**

8 (a) STATE PLAN.—Not later than 2 years after the  
9 Secretary promulgates regulations pursuant to section  
10 5(a), and each year thereafter, each State educational  
11 agency shall submit to the Secretary a State plan that pro-  
12 vides—

13 (1) assurances to the Secretary that the State  
14 has in effect—

15 (A) State policies and procedures that  
16 meet the minimum standards, including the  
17 standards with respect to State-approved train-  
18 ing programs, established by regulations pro-  
19 mulgated pursuant to section 5(a); and

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

22 (2) a description of the State policies and pro-  
23 cedures, including a description of the State-ap-  
24 proved training programs in such State; and

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

4           (b) REPORTING.—

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

19          (2) INFORMATION REQUIREMENTS.—

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

23                         (i) the total number of incidents in  
24                         the preceding full-academic year in which



1 physical restraint was imposed upon a stu-  
2 dent; and

3 (ii) the total number of incidents in  
4 the preceding full-academic year in which  
5 seclusion was imposed upon a student.

6 (B) DISAGGREGATION.—

7 (i) GENERAL DISAGGREGATION RE-  
8 QUIREMENTS.—The information described  
9 in subparagraph (A) shall be disaggregated  
10 by—

11 (I) the total number of incidents  
12 in which physical restraint or seclu-  
13 sion was imposed upon a student—

14 (aa) that resulted in injury;

15 (bb) that resulted in death;

16 and

17 (cc) in which the school per-  
18 sonnel imposing physical re-  
19 straint or seclusion were not  
20 trained and certified as described  
21 in section 5(a)(2)(D)(i); and

22 (II) the demographic characteris-  
23 tics of all students upon whom phys-  
24 ical restraint or seclusion was im-  
25 posed, including—

1 (aa) the categories identified  
2 in section 1111(h)(1)(C)(i) of the  
3 Elementary and Secondary Edu-  
4 cation Act of 1965 (20 U.S.C.  
5 6311(h)(1)(C)(i));

6 (bb) age; and

7 (cc) disability status (which  
8 has the meaning given the term  
9 “individual with a disability” in  
10 section 7(20) of the Rehabilita-  
11 tion Act of 1973 (29 U.S.C.  
12 705(20))).

13 (ii) UNDUPLICATED COUNT; EXCEP-  
14 TION.—The disaggregation required under  
15 clause (i) shall—

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

18 (aa) total number of inci-  
19 dents in the preceding full-aca-  
20 demic year in which physical re-  
21 straint was imposed upon a stu-  
22 dent; and

23 (bb) total number of inci-  
24 dents in the preceding full-aca-

1                   demic year in which seclusion  
2                   was imposed upon a student; and  
3                   (II) not be required in a case in  
4                   which the number of students in a  
5                   category would reveal personally iden-  
6                   tifiable information about an indi-  
7                   vidual student.

8           (c) ENFORCEMENT.—

9               (1) IN GENERAL.—

10                   (A) USE OF REMEDIES.—If a State edu-  
11                   cational agency fails to comply with subsection  
12                   (a) or (b), the Secretary shall—

13                       (i) withhold, in whole or in part, fur-  
14                       ther payments under an applicable pro-  
15                       gram (as such term is defined in section  
16                       400(c) of the General Education Provi-  
17                       sions Act (20 U.S.C. 1221)) in accordance  
18                       with section 455 of such Act (20 U.S.C.  
19                       1234d); or

20                       (ii) require a State educational agency  
21                       to submit, and implement, within 1 year of  
22                       such failure to comply, a corrective plan of  
23                       action, which may include redirection of  
24                       funds received under an applicable pro-  
25                       gram; or

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

8 (B) CESSATION OF WITHHOLDING OF  
9 FUNDS.—Whenever the Secretary determines  
10 (whether by certification or other appropriate  
11 evidence) that a State educational agency who  
12 is subject to the withholding of payments under  
13 subparagraph (A)(i) has cured the failure pro-  
14 viding the basis for the withholding of pay-  
15 ments, the Secretary shall cease the withholding  
16 of payments with respect to the State edu-  
17 cational agency under such subparagraph.

18 (2) RULE OF CONSTRUCTION.—Nothing in this  
19 subsection shall be construed to limit the Secretary's  
20 authority under the General Education Provisions  
21 Act (20 U.S.C. 1221 et seq.).

22 **SEC. 7. GRANT AUTHORITY.**

23 (a) IN GENERAL.—From the amount appropriated  
24 under section 12, the Secretary may award grants to State  
25 educational agencies to assist the agencies in—

1           (1) establishing, implementing, and enforcing  
2           the policies and procedures to meet the minimum  
3           standards established by regulations promulgated by  
4           the Secretary pursuant to section 5(a);

5           (2) improving State and local capacity to collect  
6           and analyze data related to physical restraint and  
7           seclusion; and

8           (3) improving school climate and culture by im-  
9           plementing school-wide positive behavior support ap-  
10          proaches.

11          (b) DURATION OF GRANT.—A grant under this sec-  
12          tion shall be awarded to a State educational agency for  
13          a 3-year period.

14          (c) APPLICATION.—Each State educational agency  
15          desiring a grant under this section shall submit an appli-  
16          cation to the Secretary at such time, in such manner, and  
17          accompanied by such information as the Secretary may  
18          require, including information on how the State edu-  
19          cational agency will target resources to schools and local  
20          educational agencies in need of assistance related to pre-  
21          venting and reducing physical restraint and seclusion.

22          (d) AUTHORITY TO MAKE SUBGRANTS.—

23                 (1) IN GENERAL.—A State educational agency  
24                 receiving a grant under this section may use such

1 grant funds to award subgrants, on a competitive  
2 basis, to local educational agencies.

3 (2) APPLICATION.—A local educational agency  
4 desiring to receive a subgrant under this section  
5 shall submit an application to the applicable State  
6 educational agency at such time, in such manner,  
7 and containing such information as the State edu-  
8 cational agency may require.

9 (e) REQUIRED ACTIVITIES.—A State educational  
10 agency receiving a grant, or a local educational agency re-  
11 ceiving a subgrant, under this section shall use such grant  
12 or subgrant funds to carry out the following:

13 (1) Researching, developing, implementing, and  
14 evaluating strategies, policies, and procedures to pre-  
15 vent and reduce physical restraint and seclusion in  
16 schools, consistent with the minimum standards es-  
17 tablished by regulations promulgated by the Sec-  
18 retary pursuant to section 5(a).

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

22 (3) Carrying out the reporting requirements  
23 under section 6(b) and analyzing the information in-  
24 cluded in a report prepared under such section to

1 identify student, school personnel, and school needs  
2 related to use of physical restraint and seclusion.

3 (f) ADDITIONAL AUTHORIZED ACTIVITIES.—In addi-  
4 tion to the required activities described in subsection (e),  
5 a State educational agency receiving a grant, or a local  
6 educational agency receiving a subgrant, under this sec-  
7 tion may use such grant or subgrant funds for one or more  
8 of the following:

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

16 (2) Providing technical assistance to develop  
17 and implement evidence-based systematic approaches  
18 to school-wide positive behavior supports, including  
19 technical assistance for data-driven decision-making  
20 related to behavioral supports and interventions in  
21 the classroom.

22 (3) Researching, evaluating, and disseminating  
23 high-quality evidence-based programs and activities  
24 that implement school-wide positive behavior sup-  
25 ports with fidelity.

1           (4) Supporting other local positive behavior  
2           support implementation activities consistent with  
3           this subsection.

4           (g) **EVALUATION AND REPORT.**—Each State edu-  
5           cational agency receiving a grant under this section shall,  
6           at the end of the 3-year grant period for such grant—

7           (1) evaluate the State’s progress toward the  
8           prevention and reduction of physical restraint and  
9           seclusion in the schools located in the State, con-  
10          sistent with the minimum standards established by  
11          regulations promulgated by the Secretary pursuant  
12          to section 5(a); and

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

15 **SEC. 8. NATIONAL ASSESSMENT.**

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

19          (1) analyzing data related to physical restraint  
20          and seclusion incidents;

21          (2) analyzing the effectiveness of Federal,  
22          State, and local efforts to prevent and reduce the  
23          number of physical restraint and seclusion incidents  
24          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 evidence-based personnel train-  
6           ing models with demonstrated success in preventing  
7           and reducing the number of physical restraint and  
8           seclusion incidents in schools, including models that  
9           emphasize positive behavior supports and de-esca-  
10          lation techniques over physical 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, shall  
6 promulgate regulations with respect to Head Start agen-  
7 cies administering Head Start programs under the Head  
8 Start Act (42 U.S.C. 9801 et seq.) that establish require-  
9 ments 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 may allocate funds  
16 to the Secretary of Health and Human Services to assist  
17 the Head Start agencies in establishing, implementing,  
18 and enforcing policies and procedures to meet the require-  
19 ments established by regulations promulgated pursuant to  
20 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 par-  
25 ents under Federal or State law.

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

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