

**AMENDMENT TO RULES COMMITTEE PRINT**  
**118-2**  
**OFFERED BY MR. ROBERT GARCIA OF**  
**CALIFORNIA**

Add at the end the following:

1   **TITLE VII—ENDING CORPORAL**  
2       **PUNISHMENT IN SCHOOLS**

3   **SEC. 701. PROHIBITION AGAINST CORPORAL PUNISHMENT.**

4       Subpart 4 of part C of the General Education Provi-  
5 sions Act (20 U.S.C. 1232f et seq.) is amended by adding  
6 at the end the following:

7   **“SEC. 448. PROHIBITION AGAINST CORPORAL PUNISH-**  
8           **MENT.**

9       “(a) GENERAL PROHIBITION.—No funds shall be  
10 made available under any applicable program to any edu-  
11 cational agency or institution, including a local edu-  
12 cational agency or State educational agency, that has a  
13 policy or practice which allows school personnel to inflict  
14 corporal punishment upon a student—

15           “(1) as a form of punishment; or

16           “(2) for the purpose of modifying undesirable  
17 behavior.

18       “(b) LOCAL EDUCATIONAL AGENCIES.—

1           “(1) IN GENERAL.—In the case of an applicable  
2           program under which a local educational agency may  
3           only receive funds through a State educational agen-  
4           cy that is prohibited under subsection (a) from re-  
5           ceiving funds under any applicable program, a local  
6           educational agency that is not prohibited under sub-  
7           section (a) from receiving such funds may apply di-  
8           rectly to the Secretary to receive funds under the  
9           program.

10           “(2) CERTIFICATION.—Each local educational  
11           agency applying directly to the Secretary under  
12           paragraph (1) shall certify in such application that  
13           the agency is not prohibited under subsection (a)  
14           from receiving funds under any applicable program.

15           “(c) RULE OF CONSTRUCTION.—Nothing in this sec-  
16           tion shall be construed to preclude school personnel from  
17           using, within the scope of employment, reasonable re-  
18           straint to the lightest possible degree upon a student, if—

19           “(1) the student’s behavior poses an imminent  
20           danger of physical injury to the student, school per-  
21           sonnel, or others;

22           “(2) less restrictive interventions would be inef-  
23           fective in stopping such imminent danger of physical  
24           injury; and

1           “(3) the reasonable restraint ends immediately  
2           upon the cessation of the conditions described in  
3           paragraphs (1) and (2).

4           “(d) DEFINITIONS.—For purposes of this section—

5           “(1) the term ‘corporal punishment’ means pad-  
6           dling, spanking, or other forms of physical punish-  
7           ment, however light, imposed upon a student;

8           “(2) the term ‘educational agency or institution’  
9           means any public or private agency or institution  
10          which is the recipient, or serves students who are re-  
11          cipients of, funds under any applicable program;

12          “(3) the terms ‘local educational agency’ and  
13          ‘State educational agency’ have the meanings given  
14          such terms in section 8101 of the Elementary and  
15          Secondary Education Act of 1965;

16          “(4) the term ‘school personnel’ means teach-  
17          ers, principals, other school leaders, paraprofes-  
18          sionals, administrators, and other staff (as such  
19          terms are defined in section 8101 of the Elementary  
20          and Secondary Education Act of 1965);

21          “(5) the term ‘student’ includes any person who  
22          is in attendance at an educational agency or institu-  
23          tion.”.

1 **SEC. 702. STATE PLAN AND ENFORCEMENT.**

2 (a) STATE PLAN.—Not later than 18 months after  
3 the date of enactment of this title and every third year  
4 thereafter, each State educational agency shall submit to  
5 the Secretary a State plan that provides—

6 (1) assurances to the Secretary that the State  
7 has in effect policies and procedures that eliminate  
8 the use of corporal punishment in elementary and  
9 secondary schools;

10 (2) a description of the State’s policies and pro-  
11 cedures; and

12 (3) a description of the State plans to ensure  
13 school personnel and parents, including private  
14 school personnel and parents, are aware of the  
15 State’s policies and procedures.

16 (b) ENFORCEMENT.—

17 (1) IN GENERAL.—

18 (A) USE OF REMEDIES.—If a State edu-  
19 cational agency fails to comply with subsection  
20 (a), the Secretary shall—

21 (i) withhold, in whole or in part, fur-  
22 ther payments under an applicable pro-  
23 gram (as such term is defined in section  
24 400(c) of the General Education Provi-  
25 sions Act (20 U.S.C. 1221)) in accordance

1 with section 455 of such Act (20 U.S.C.  
2 1234d);

3 (ii) enter into a compliance agreement  
4 in accordance with section 457 of the Gen-  
5 eral Education Provisions Act (20 U.S.C.  
6 1234f); or

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

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

24 (2) RULE OF CONSTRUCTION.—Nothing in this  
25 subsection shall be construed to limit the Secretary's

1 authority under the General Education Provisions  
2 Act (20 U.S.C. 1221 et seq.).

3 (c) **RULE OF CONSTRUCTION.**—Nothing in this sec-  
4 tion shall be construed to preclude school personnel from  
5 using, within the scope of employment, reasonable re-  
6 straint to the lightest possible degree upon a student, if—

7 (1) the student’s behavior poses an imminent  
8 danger of physical injury to the student, school per-  
9 sonnel, or others;

10 (2) less restrictive interventions would be inef-  
11 fective in stopping such imminent danger of physical  
12 injury; and

13 (3) the reasonable restraint ends immediately  
14 upon the cessation of the conditions described in  
15 paragraphs (1) and (2).

16 **SEC. 703. NATIONAL ASSESSMENT.**

17 (a) **NATIONAL ASSESSMENT.**—The Secretary shall  
18 carry out a national assessment to—

19 (1) determine compliance with the requirements  
20 of this title; and

21 (2) identify best practices with respect to pro-  
22 fessional development and training programs, which  
23 shall include identifying evidence-based school per-  
24 sonnel training models with demonstrated success  
25 (including models that emphasize positive behavior

1 supports and de-escalation techniques over physical  
2 intervention).

3 (b) REPORT.—The Secretary shall submit to the  
4 Committee on Education and the Workforce of the House  
5 of Representatives and the Committee on Health, Edu-  
6 cation, Labor, and Pensions of the Senate—

7 (1) an interim report that summarizes the pre-  
8 liminary findings of the assessment described in sub-  
9 section (a) not later than 3 years after the date of  
10 enactment of this title; and

11 (2) a final report of the findings of the assess-  
12 ment not later than 5 years after the date of the en-  
13 actment of this title.

14 **SEC. 704. PROTECTION AND ADVOCACY SYSTEMS.**

15 Protection and Advocacy Systems shall have the au-  
16 thority provided under section 143 of the Developmental  
17 Disabilities Assistance and Bill of Rights Act of 2000 (42  
18 U.S.C. 15043) to investigate, monitor, and enforce protec-  
19 tions provided for students under this title and the amend-  
20 ments made by this title.

21 **SEC. 705. LIMITATION OF AUTHORITY.**

22 (a) IN GENERAL.—Nothing in this title shall be con-  
23 strued to restrict or limit, or allow the Secretary to restrict  
24 or limit, any other rights or remedies otherwise available

1 to students or parents under Federal, State, or local law  
2 or regulation.

3 (b) APPLICABILITY.—

4 (1) PRIVATE SCHOOLS.—Nothing in this title  
5 shall be construed to affect any private elementary  
6 or secondary school that does not receive, or does  
7 not serve students who receive, support in any form  
8 from any program supported, in whole or in part,  
9 with funds appropriated to the Department of Edu-  
10 cation.

11 (2) HOME SCHOOLS.—Nothing in this title shall  
12 be construed to—

13 (A) affect a home school, whether or not a  
14 home school is treated as a private school or  
15 home school under State law; or

16 (B) consider parents who are schooling a  
17 child at home as school personnel.

18 **SEC. 706. RULE OF CONSTRUCTION ON DATA COLLECTION.**

19 Nothing in this title shall be construed to affect the  
20 collection of information or data with respect to corporal  
21 punishment authorized under the statutes and regulations  
22 implementing title VI of the Civil Rights Act of 1964 (42  
23 U.S.C. 2000d et seq.), title IX of the Education Amend-  
24 ments of 1972 (20 U.S.C. 1681 et seq.), section 504 of  
25 the Rehabilitation Act of 1973 (29 U.S.C. 794 et seq.),



1 or the Department of Education Organization Act (20  
2 U.S.C. 3401 et seq.).

3 **SEC. 707. DEFINITIONS.**

4 In this title:

5 (1) **CORPORAL PUNISHMENT.**—The term “cor-  
6 poral punishment” means paddling, spanking, or  
7 other forms of physical punishment, however light,  
8 imposed upon a student.

9 (2) **ESEA TERMS.**—The terms “educational  
10 service agency”, “elementary school”, “local edu-  
11 cational agency”, “other staff”, “paraprofessional”,  
12 “parent”, “school leader”, “secondary school”, “Sec-  
13 retary”, “State”, and “State educational agency”  
14 have the meanings given such terms in section 8101  
15 of the Elementary and Secondary Education Act of  
16 1965 (20 U.S.C. 7801).

17 (3) **POSITIVE BEHAVIOR SUPPORTS.**—The term  
18 “positive behavior supports” means a systematic ap-  
19 proach to embed evidence-based practices and data-  
20 driven decision making to improve school climate  
21 and culture, including a range of systemic and indi-  
22 vidualized strategies to reinforce desired behaviors  
23 and diminish reoccurrence of problem behaviors, in  
24 order to achieve improved academic and social out-  
25 comes and increase learning for all students, includ-

1       ing those with the most complex and intensive be-  
2       havioral needs.

3           (4) PROTECTION AND ADVOCACY SYSTEM.—The  
4       term “protection and advocacy system” means a  
5       protection and advocacy system established under  
6       section 143 of the Developmental Disabilities Assist-  
7       ance and Bill of Rights Act of 2000 (42 U.S.C.  
8       15043).

9           (5) SCHOOL PERSONNEL.—The term “school  
10       personnel” means teachers, principals, other school  
11       leaders, paraprofessionals, administrators, and other  
12       staff.

13           (6) STUDENT.—The term “student” means a  
14       student enrolled in an elementary school or sec-  
15       ondary school.

