

114TH CONGRESS  
1ST SESSION

# H. R. 2268

To end the use of corporal punishment in schools, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2015

Mr. HASTINGS (for himself, Mr. CÁRDENAS, Mr. GRIJALVA, Mr. LOEBSACK, Mr. MCNERNEY, Ms. NORTON, Mr. PASCRELL, Ms. PINGREE, Mr. POLIS, Mr. RANGEL, Mr. SCOTT of Virginia, Ms. SLAUGHTER, and Ms. MCCOLLUM) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To end the use of corporal punishment 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 “Ending Corporal Pun-

5       ishment in Schools Act of 2015”.

6       **SEC. 2. FINDINGS.**

7       Congress finds the following:

8               (1) Behavioral interventions for children must

9       promote the right of all children to be treated with

1 dignity. All children have the right to be free from  
2 any corporal punishment.

3 (2) Safe, effective, evidence-based strategies are  
4 available to support children who display challenging  
5 behaviors in school settings.

6 (3) School personnel have the right to work in  
7 a safe environment and should be provided training  
8 and support to prevent injury and trauma to them-  
9 selves and others.

10 (4) According to the Department of Education's  
11 Technical Assistance Center on School-Wide Positive  
12 Behavior Interventions and Support, outcomes asso-  
13 ciated with school-wide positive behavior support are:  
14 decreased office discipline referrals, increased in-  
15 structional time, decreased administrator time spent  
16 on discipline issues, efficient and effective use of  
17 scarce resources, and increased perception of school  
18 safety and sustainability through a team approach.

19 (5) Every 30 seconds during the school year, a  
20 public school student is corporally punished.

21 (6) Nineteen States continue to permit corporal  
22 punishment in public schools.

23 (7) According to Department of Education sta-  
24 tistics, each year in the United States, hundreds of  
25 thousands of school children are subjected to cor-

1 corporal punishment in public schools. School corporal  
2 punishment is usually executed in the form of “pad-  
3 dling”, or striking students with a wooden paddle on  
4 their buttocks or legs, which can result in abrasions,  
5 bruising, severe muscle injury, hematomas, whiplash  
6 damage, life-threatening hemorrhages, and other  
7 medical complications that may require hospitaliza-  
8 tion.

9 (8) Gross racial disparity exists in the execution  
10 of corporal punishment of public school children, and  
11 African-American schoolchildren are disproportion-  
12 ately corporally punished. The most recent available  
13 statistics show that African-American students make  
14 up 18 percent of the national student population,  
15 but comprise 40 percent of all students subjected to  
16 physical punishment at school. Black children are  
17 nearly two-and-a-half times more likely to be cor-  
18 porally punished than White children, and nearly  
19 eight times more likely to be corporally punished  
20 than Hispanic children.

21 **SEC. 3. PURPOSES.**

22 The purposes of this Act are to—

23 (1) eliminate the use of corporal punishment in  
24 schools;

1           (2) ensure the safety of all students and school  
2           personnel in schools and promote a positive school  
3           culture and climate; and

4           (3) assist States, local educational agencies,  
5           and schools in identifying and implementing effective  
6           evidence-based models to prevent and reduce—

7                   (A) corporal punishment in schools;

8                   (B) aversive behavior interventions that  
9                   compromise health and safety; and

10                   (C) physical, emotional, or psychological  
11           abuse.

12 **SEC. 4. PROHIBITION AGAINST CORPORAL PUNISHMENT.**

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

16 **“SEC. 448. PROHIBITION AGAINST CORPORAL PUNISH-**  
17 **MENT.**

18           “(a) GENERAL PROHIBITION.—No funds shall be  
19           made available under any applicable program to any edu-  
20           cational agency or institution, including a local edu-  
21           cational agency or State educational agency, that has a  
22           policy or practice which allows school personnel to inflict  
23           corporal punishment upon a student—

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

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

3           “(b) LOCAL EDUCATIONAL AGENCIES.—

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

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

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

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

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

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

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

8           “(1) the term ‘corporal punishment’ has the  
9           meaning given such term in section 12 of the End-  
10          ing Corporal Punishment in Schools Act of 2015;

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

15          “(3) the terms ‘local educational agency’ and  
16          ‘State educational agency’ have the meanings given  
17          such terms in section 9101 of the Elementary and  
18          Secondary Education Act of 1965;

19          “(4) the term ‘school personnel’ has the mean-  
20          ing given such term in section 12 of the Ending Cor-  
21          poral Punishment in Schools Act of 2015; and

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

1 **SEC. 5. STATE PLAN AND ENFORCEMENT.**

2 (a) STATE PLAN.—Not later than 18 months after  
3 the date of enactment of this Act 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 schools;

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

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

15 (b) ENFORCEMENT.—

16 (1) IN GENERAL.—

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

20 (i) withhold, in whole or in part, fur-  
21 ther payments under an applicable pro-  
22 gram (as such term is defined in section  
23 400(c) of the General Education Provi-  
24 sions Act (20 U.S.C. 1221)) in accordance  
25 with section 455 of such Act (20 U.S.C.  
26 1234d);

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

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

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

22                 (2) RULE OF CONSTRUCTION.—Nothing in this  
23                 subsection shall be construed to limit the Secretary’s  
24                 authority under the General Education Provisions  
25                 Act (20 U.S.C. 1221 et seq.).



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

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

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

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

14 **SEC. 6. GRANT AUTHORITY.**

15 (a) IN GENERAL.—From the amount appropriated  
16 under section 11, the Secretary may award grants to State  
17 educational agencies to assist the agencies in improving  
18 school climate and culture by implementing school-wide  
19 positive behavior support approaches.

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

23 (c) APPLICATION.—Each State educational agency  
24 desiring a grant under this section shall submit an appli-  
25 cation to the Secretary at such time, in such manner, and

1 accompanied by such information as the Secretary may  
2 require, including information on how the State edu-  
3 cational agency—

4           (1) will develop State training programs on  
5 school-wide positive behavior support approaches,  
6 such as training programs developed with the assist-  
7 ance of the Secretary (acting through the Office of  
8 Special Education Programs Technical Assistance  
9 Center on Positive Behavioral Interventions and  
10 Supports of the Department of Education); and

11           (2) will target resources to schools and local  
12 educational agencies in need of assistance related to  
13 improving school culture and climate through posi-  
14 tive behavior supports.

15 (d) AUTHORITY TO MAKE SUBGRANTS.—

16           (1) IN GENERAL.—A State educational agency  
17 receiving a grant under this section may use such  
18 grant funds to award subgrants, on a competitive  
19 basis, to local educational agencies.

20           (2) APPLICATION.—A local educational agency  
21 desiring to receive a subgrant under this section  
22 shall submit an application to the applicable State  
23 educational agency at such time, in such manner,  
24 and containing such information as the State edu-  
25 cational agency may require.

1 (e) PRIVATE SCHOOL PARTICIPATION.—

2 (1) IN GENERAL.—A local educational agency  
3 receiving subgrant funds under this section shall,  
4 after timely and meaningful consultation with appro-  
5 priate private school officials, ensure that private  
6 school personnel can participate, on an equitable  
7 basis, in activities supported by funds under this  
8 section.

9 (2) PUBLIC CONTROL OF FUNDS.—The control  
10 of funds provided under this section, and title to ma-  
11 terials, equipment, and property purchased with  
12 such funds, shall be in a public agency, and a public  
13 agency shall administer such funds, materials, equip-  
14 ment, and property.

15 (f) REQUIRED ACTIVITIES.—A State educational  
16 agency receiving a grant, or a local educational agency re-  
17 ceiving a subgrant, under this section shall use such grant  
18 or subgrant funds to carry out the following:

19 (1) Developing and implementing high-quality  
20 professional development and training programs,  
21 such as training programs developed with the assist-  
22 ance of the Secretary (acting through the Office of  
23 Special Education Programs Technical Assistance  
24 Center on Positive Behavioral Interventions and  
25 Supports of the Department of Education), to imple-

1       ment evidence-based systematic approaches to  
2       school-wide positive behavior supports, including im-  
3       proving coaching, facilitation, and training capacity  
4       for principals and other administrators, teachers,  
5       specialized instructional support personnel, and  
6       other staff.

7               (2) Providing technical assistance to develop  
8       and implement evidence-based systematic approaches  
9       to school-wide positive behavior supports, including  
10      technical assistance for data-driven decisionmaking  
11      related to behavioral supports and interventions in  
12      the classroom and throughout common areas.

13              (3) Researching, evaluating, and disseminating  
14      high-quality evidence-based programs and activities  
15      that implement school-wide positive behavior sup-  
16      ports with fidelity.

17              (4) Supporting other local positive behavior  
18      support implementation activities consistent with  
19      this subsection, including outreach to families and  
20      community agencies and providers, such as mental  
21      health authorities.

22              (g) EVALUATION AND REPORT.—Each State edu-  
23      cational agency receiving a grant under this section shall,  
24      at the end of the 3-year grant period for such grant, pre-  
25      pare and submit to the Secretary, a report that—

1           (1) evaluates the State’s progress toward devel-  
2           oping and implementing evidence-based systematic  
3           approaches to school-wide positive behavior supports;  
4           and

5           (2) includes such information as the Secretary  
6           may require.

7           (h) DEPARTMENT OF THE INTERIOR.—From the  
8           amount appropriated under section 11, the Secretary may  
9           allocate funds to the Secretary of the Interior for activities  
10          under this section with respect to schools operated or  
11          funded by the Department of the Interior, under such  
12          terms as the Secretary of Education may prescribe.

13       **SEC. 7. NATIONAL ASSESSMENT.**

14          (a) NATIONAL ASSESSMENT.—The Secretary shall  
15          carry out a national assessment to—

16               (1) determine compliance with the requirements  
17               of this Act; and

18               (2) identify best practices with respect to pro-  
19               fessional development and training programs carried  
20               out under section 6, which shall include identifying  
21               evidence-based school personnel training models with  
22               demonstrated success (including models that empha-  
23               size positive behavior supports and de-escalation  
24               techniques over physical intervention).

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

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

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

12 **SEC. 8. PROTECTION AND ADVOCACY SYSTEMS.**

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

19 **SEC. 9. LIMITATION OF AUTHORITY.**

20 (a) IN GENERAL.—Nothing in this Act shall be con-  
21 strued to restrict or limit, or allow the Secretary to restrict  
22 or limit, any other rights or remedies otherwise available  
23 to students or parents under Federal, State, or local law  
24 or regulation.

25 (b) APPLICABILITY.—

1           (1) PRIVATE SCHOOLS.—Nothing in this Act  
2 shall be construed to affect any private school that  
3 does not receive, or does not serve students who re-  
4 ceive, support in any form from any program sup-  
5 ported, in whole or in part, with funds appropriated  
6 to the Department of Education.

7           (2) HOME SCHOOLS.—Nothing in this Act shall  
8 be construed to—

9                   (A) affect a home school, whether or not a  
10 home school is treated as a private school or  
11 home school under State law; or

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

14 **SEC. 10. RULE OF CONSTRUCTION ON DATA COLLECTION.**

15           Nothing in this Act shall be construed to affect the  
16 collection of information or data with respect to corporal  
17 punishment authorized under the statutes and regulations  
18 implementing title VI of the Civil Rights Act of 1964 (42  
19 U.S.C. 2000d et seq.), title IX of the Education Amend-  
20 ments of 1972 (20 U.S.C. 1681 et seq.), section 504 of  
21 the Rehabilitation Act of 1973 (29 U.S.C. 794 et seq.),  
22 or the Department of Education Organization Act (20  
23 U.S.C. 3401 et seq.).

1 **SEC. 11. 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 2016 and each of the 4 succeeding fiscal years.

5 **SEC. 12. DEFINITIONS.**

6       In this Act:

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

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

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

20           (4) LOCAL EDUCATIONAL AGENCY.—The term  
21 “local educational agency” has the meaning given  
22 the term in section 9101(26) of the Elementary and  
23 Secondary Education Act of 1965 (20 U.S.C.  
24 7801(26)).

25           (5) PARENT.—The term “parent” has the  
26 meaning given the term in section 9101(31) of the



1 Elementary and Secondary Education Act of 1965  
2 (20 U.S.C. 7801(31)).

3 (6) POSITIVE BEHAVIOR SUPPORTS.—The term  
4 “positive behavior supports” means a systematic ap-  
5 proach to embed evidence-based practices and data-  
6 driven decisionmaking to improve school climate and  
7 culture, including a range of systemic and individ-  
8 ualized strategies to reinforce desired behaviors and  
9 diminish reoccurrence of problem behaviors, in order  
10 to achieve improved academic and social outcomes  
11 and increase learning for all students, including  
12 those with the most complex and intensive behav-  
13 ioral needs.

14 (7) PROTECTION AND ADVOCACY SYSTEM.—The  
15 term “protection and advocacy system” means a  
16 protection and advocacy system established under  
17 section 143 of the Developmental Disabilities Assist-  
18 ance and Bill of Rights Act of 2000 (42 U.S.C.  
19 15043).

20 (8) SCHOOL.—The term “school” means an en-  
21 tity—

22 (A) that—

23 (i) is a public or private—

24 (I) day or residential elementary  
25 school or secondary school; or

1 (II) early childhood, elementary  
2 school, or secondary school program  
3 that is under the jurisdiction of a  
4 school, local educational agency, edu-  
5 cational service agency, or other edu-  
6 cational institution or program; and

7 (ii) receives, or serves students who  
8 receive, support in any form from any pro-  
9 gram supported, in whole or in part, with  
10 funds appropriated to the Department of  
11 Education; or

12 (B) that is a school funded or operated by  
13 the Department of the Interior.

14 (9) SCHOOL PERSONNEL.—The term “school  
15 personnel” has the meaning—

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

19 (B) given the term “school resource offi-  
20 cer” in section 4151(11) of the Elementary and  
21 Secondary Education Act of 1965 (20 U.S.C.  
22 7161(11)).

23 (10) SPECIALIZED INSTRUCTIONAL SUPPORT  
24 PERSONNEL.—The term “specialized instructional  
25 support personnel” means school counselors, school

1 social workers, school nurses, school psychologists,  
2 and other qualified professional personnel involved in  
3 providing assessment, diagnosis, counseling, edu-  
4 cational, health, therapeutic, and other necessary  
5 corrective or supportive services.

6 (11) SECONDARY SCHOOL.—The term “sec-  
7 ondary school” has the meaning given the term in  
8 section 9101(38) of the Elementary and Secondary  
9 Education Act of 1965 (20 U.S.C. 7801(38)).

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

12 (13) STATE.—The term “State” has the mean-  
13 ing given the term in section 9101 of the Elemen-  
14 tary and Secondary Education Act of 1965 (20  
15 U.S.C. 7801).

16 (14) STATE EDUCATIONAL AGENCY.—The term  
17 “State educational agency” has the meaning given  
18 the term in section 9101(41) of the Elementary and  
19 Secondary Education Act of 1965 (20 U.S.C.  
20 7801(41)).

21 (15) STUDENT.—The term “student” means a  
22 student enrolled in a school defined in paragraph  
23 (8).

1 **SEC. 13. PRESUMPTION OF CONGRESS RELATING TO COM-**  
2 **PETITIVE PROCEDURES.**

3 (a) PRESUMPTION.—It is the presumption of Con-  
4 gress that grants awarded under this Act will be awarded  
5 using competitive procedures based on merit.

6 (b) REPORT TO CONGRESS.—If grants are awarded  
7 under this Act using procedures other than competitive  
8 procedures, the Secretary shall submit to Congress a re-  
9 port explaining why competitive procedures were not used.

10 **SEC. 14. PROHIBITION ON EARMARKS.**

11 None of the funds appropriated to carry out this Act  
12 may be used for a congressional earmark as defined in  
13 clause 9(e) of rule XXI of the Rules of the House of Rep-  
14 resentatives of the 114th Congress.

○