

## HR 4247

Keeping All Students Safe Act

**Congress:** 111 (2009–2011, Ended)

**Chamber:** House

**Policy Area:** Education

**Introduced:** Dec 9, 2009

**Current Status:** Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and

**Latest Action:** Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and Pensions. (Mar 4, 2010)

**Official Text:** <https://www.congress.gov/bill/111th-congress/house-bill/4247>

### Sponsor

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**Name:** Rep. Miller, George [D-CA-7]

**Party:** Democratic • **State:** CA • **Chamber:** House

**Cosponsors** (40 total)

| Cosponsor   | Party / State | Role | Date Joined  |
|---|---------------|------|--------------|
| Rep. McMorris Rodgers, Cathy [R-WA-5]                     | R · WA        |      | Dec 9, 2009  |
| Rep. McCarthy, Carolyn [D-NY-4]                           | D · NY        |      | Dec 11, 2009 |
| Rep. Courtney, Joe [D-CT-2]                               | D · CT        |      | Dec 14, 2009 |
| Rep. Davis, Danny K. [D-IL-7]                             | D · IL        |      | Dec 14, 2009 |
| Rep. Ellison, Keith [D-MN-5]                              | D · MN        |      | Dec 14, 2009 |
| Rep. Hare, Phil [D-IL-17]                                 | D · IL        |      | Dec 14, 2009 |
| Rep. Maloney, Carolyn B. [D-NY-14]                        | D · NY        |      | Dec 15, 2009 |
| Del. Sablan, Gregorio Kilili Camacho [D-MP-At Large]      | D · MP        |      | Jan 13, 2010 |
| Rep. Andrews, Robert E. [D-NJ-1]                          | D · NJ        |      | Jan 13, 2010 |
| Rep. Filner, Bob [D-CA-51]                                | D · CA        |      | Jan 13, 2010 |
| Rep. Grijalva, Raúl M. [D-AZ-7]                           | D · AZ        |      | Jan 13, 2010 |
| Rep. Kilroy, Mary Jo [D-OH-15]                            | D · OH        |      | Jan 13, 2010 |
| Rep. McCollum, Betty [D-MN-4]                             | D · MN        |      | Jan 13, 2010 |
| Rep. Platts, Todd Russell [R-PA-19]                       | R · PA        |      | Jan 13, 2010 |
| Rep. Rothman, Steven R. [D-NJ-9]                          | D · NJ        |      | Jan 13, 2010 |
| Rep. Scott, Robert C. "Bobby" [D-VA-3]                    | D · VA        |      | Jan 13, 2010 |
| Rep. Sestak, Joe [D-PA-7]                                 | D · PA        |      | Jan 13, 2010 |
| Rep. Harper, Gregg [R-MS-3]                               | R · MS        |      | Jan 19, 2010 |
| Rep. Schakowsky, Janice D. [D-IL-9]                       | D · IL        |      | Jan 19, 2010 |
| Rep. DeFazio, Peter A. [D-OR-4]                           | D · OR        |      | Jan 26, 2010 |
| Rep. Himes, James A. [D-CT-4]                             | D · CT        |      | Jan 26, 2010 |
| Rep. Holt, Rush [D-NJ-12]                                 | D · NJ        |      | Jan 26, 2010 |
| Rep. Slaughter, Louise McIntosh [D-NY-28]                 | D · NY        |      | Jan 26, 2010 |
| Rep. Kildee, Dale E. [D-MI-5]                             | D · MI        |      | Jan 27, 2010 |
| Rep. Langevin, James R. [D-RI-2]                          | D · RI        |      | Jan 27, 2010 |
| Rep. Neal, Richard E. [D-MA-2]                            | D · MA        |      | Jan 27, 2010 |
| Rep. Sires, Albio [D-NJ-13]                               | D · NJ        |      | Jan 27, 2010 |
| Rep. Bishop, Timothy H. [D-NY-1]                          | D · NY        |      | Feb 2, 2010  |
| Rep. Chu, Judy [D-CA-32]                                  | D · CA        |      | Feb 2, 2010  |
| Rep. Tonko, Paul [D-NY-21]                                | D · NY        |      | Feb 2, 2010  |
| Rep. Woolsey, Lynn C. [D-CA-6]                            | D · CA        |      | Feb 2, 2010  |
| Rep. Hinojosa, Ruben [D-TX-15]                            | D · TX        |      | Feb 3, 2010  |
| Rep. Polis, Jared [D-CO-2]                                | D · CO        |      | Feb 3, 2010  |
| Resident Commissioner Pierluisi, Pedro R. [D-PR-At Large] | D · PR        |      | Feb 3, 2010  |
| Rep. Napolitano, Grace F. [D-CA-38]                       | D · CA        |      | Feb 4, 2010  |
| Rep. Cohen, Steve [D-TN-9]                                | D · TN        |      | Feb 22, 2010 |
| Rep. DeLauro, Rosa L. [D-CT-3]                            | D · CT        |      | Feb 22, 2010 |
| Rep. Frank, Barney [D-MA-4]                               | D · MA        |      | Feb 22, 2010 |
| Rep. Hinchey, Maurice D. [D-NY-22]                        | D · NY        |      | Feb 22, 2010 |
| Rep. Kennedy, Patrick J. [D-RI-1]                         | D · RI        |      | Feb 22, 2010 |

Committee Activity

| Committee  | Chamber | Activity    | Date        |
|--|---------|-------------|-------------|
| Education and Workforce Committee                | House   | Referred to | Jan 4, 2010 |
| Health, Education, Labor, and Pensions Committee | Senate  | Referred To | Mar 4, 2010 |

Subjects & Policy Tags

Policy Area:

Education

Related Bills

| Bill          | Relationship         | Last Action   |
|---------------|----------------------|---|
| 111 HRES 1126 | Procedurally related | <b>Mar 3, 2010:</b> Motion to reconsider laid on the table Agreed to without objection.                 |
| 111 S 2860    | Related bill         | <b>Dec 9, 2009:</b> Read twice and referred to the Committee on Health, Education, Labor, and Pensions. |

Keeping All Students Safe Act - (Sec. 5) Directs the Secretary of Education (Secretary) to establish minimum standards that: (1) prohibit elementary and secondary school personnel from managing any student by using any mechanical or chemical restraint, physical restraint or escort that restricts breathing, or aversive behavioral intervention that compromises student health and safety; (2) prohibit such personnel from using physical restraint or seclusion, unless such measures are required to eliminate an imminent danger of physical injury to the student or others and certain precautions are taken; (3) require states to ensure that a sufficient number of school personnel receive state-approved crisis intervention training and certification in first aid and certain safe and effective student management techniques; (4) prohibit physical restraint or seclusion from being written into a student's education plan, individual safety plan, behavioral plan, or individual education program as a planned intervention; and (5) require schools to establish procedures to notify parents in a timely manner if physical restraint or seclusion is imposed on their child.

Requires that when the physical restraint or seclusion of a student is required to eliminate an imminent danger of physical injury to such student or others, school personnel continuously monitor such student face-to-face or, if their safety is significantly compromised by such monitoring, remain in direct visual contact with the student.

Directs the Secretary of the Interior to ensure that schools operated or funded by the Department of the Interior comply with such minimum standards.

(Sec. 6) Requires states, within two years after the establishment of such standards and annually thereafter, to: (1) provide the Secretary with their plan for meeting the standards, including a mechanism to effectively monitor and enforce them; and (2) provide the Secretary and the public with certain information regarding incidents over the preceding academic year in which physical restraint or seclusion was used on a student.

Directs the Secretary to enforce such requirements by withholding education funding from noncompliant states, requiring them to submit a corrective plan of action, or issuing a complaint to compel their compliance through a cease and desist order.

(Sec. 7) Authorizes the Secretary to award three-year grants to states and, through them, competitive subgrants to local educational agencies (LEAs) to: (1) establish, implement, and enforce policies and procedures to meet such standards; (2) improve their capacity to collect and analyze data related to physical restraint and seclusion; and (3) implement school-wide positive behavior supports.

Requires LEAs to allow private school personnel to participate, on an equitable basis, in activities supported by such grants and subgrants.

Requires state grantees, at the close of the grant period, to evaluate and report to the Secretary on their progress in preventing and reducing physical restraint and seclusion in schools.

Authorizes the Secretary to allocate funds to the Secretary of the Interior to carry out such activities with regard to schools operated or funded by the Department of the Interior.

(Sec. 8) Directs the Secretary to conduct a national assessment of this Act's effectiveness and report the assessment's findings to Congress.

(Sec. 9) Gives Protection and Advocacy Systems the authority provided under the Developmental Disabilities Assistance

and Bill of Rights Act of 2000 to investigate, monitor, and enforce this Act's protections for students.

(Sec. 10) Directs the Secretary of Health and Human Services (HHS) to establish standards for Head Start agencies that are consistent with the minimum standards for the management of elementary and secondary school students.

Authorizes the Secretary to allocate funds to HHS to assist Head Start agencies in establishing, implementing, and enforcing policies and procedures to meet such standards.

(Sec. 12) Authorizes appropriations for FY2011-FY2015.

(Sec. 13) Expresses the presumption that this Act's grants will be awarded using competitive procedures based on merit. Requires the Secretary to submit an explanatory report to Congress when such procedures are not used.

(Sec. 14) Prohibits funds appropriated to implement this Act from being used for congressional earmarks.

## Actions Timeline

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- **Mar 4, 2010:** Received in the Senate and Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
- **Mar 3, 2010:** Rule H. Res. 1126 passed House.
- **Mar 3, 2010:** Considered under the provisions of rule H. Res. 1126. (consideration: CR H1048-1064; text of amendment in the nature of a substitute: CR H1048-1050)
- **Mar 3, 2010:** Rule provides for consideration of H.R. 4247 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as adopted.
- **Mar 3, 2010:** DEBATE - The House proceeded with one hour of debate on H.R. 4247.
- **Mar 3, 2010:** DEBATE - Pursuant to the provisions of H.Res. 1126, the House proceeded with 10 minutes of debate on the George Miller (CA) amendment.
- **Mar 3, 2010:** DEBATE - Pursuant to the provisions of H.Res. 1126, the House proceeded with 10 minutes of debate on the Flake amendment.
- **Mar 3, 2010:** The previous question was ordered pursuant to the rule. (consideration: CR H1063)
- **Mar 3, 2010:** Passed/agreed to in House: On passage Passed by the Yeas and Nays: 262 - 153 (Roll no. 82).
- **Mar 3, 2010:** On passage Passed by the Yeas and Nays: 262 - 153 (Roll no. 82).
- **Mar 3, 2010:** Motion to reconsider laid on the table Agreed to without objection.
- **Mar 2, 2010:** Rules Committee Resolution H. Res. 1126 Reported to House. Rule provides for consideration of H.R. 4247 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. The amendment in the nature of a substitute recommended by the Committee on Education and Labor now printed in the bill shall be considered as adopted.
- **Feb 23, 2010:** Reported (Amended) by the Committee on Education and Labor. H. Rept. 111-417.
- **Feb 23, 2010:** Placed on the Union Calendar, Calendar No. 243.
- **Feb 4, 2010:** Ordered to be Reported (Amended) by the Yeas and Nays: 34 - 10.
- **Jan 4, 2010:** Referred to the Subcommittee on Early Childhood, Elementary, and Secondary Education.
- **Dec 9, 2009:** Introduced in House
- **Dec 9, 2009:** Referred to the House Committee on Education and Labor.