

111TH CONGRESS
2^D SESSION

S. _____

To amend the Elementary and Secondary Education Act of 1965 to allow State educational agencies, local educational agencies, and schools to increase implementation of schoolwide positive behavioral interventions and supports and early intervening services in order to improve student academic achievement, reduce overidentification of individuals with disabilities, and reduce disciplinary problems in schools, and to improve coordination with similar activities and services provided under the Individuals with Disabilities Education Act.

IN THE SENATE OF THE UNITED STATES

Mr. BENNET introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Elementary and Secondary Education Act of 1965 to allow State educational agencies, local educational agencies, and schools to increase implementation of schoolwide positive behavioral interventions and supports and early intervening services in order to improve student academic achievement, reduce overidentification of individuals with disabilities, and reduce disciplinary problems in schools, and to improve coordination with similar activities and services provided under the Individuals with Disabilities Education Act.

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 “Positive Behavioral
5 Interventions and Support and Early Intervening Services
6 to Improve Student Academic Achievement Act”.

7 **SEC. 2. PURPOSE.**

8 The purpose of this Act is to expand the use of posi-
9 tive behavioral interventions and supports and early inter-
10 vening services in schools in order to improve student aca-
11 demic achievement, reduce overidentification of individuals
12 with disabilities, and reduce disciplinary problems in
13 schools.

14 **SEC. 3. AMENDMENTS TO THE ELEMENTARY AND SEC-**
15 **ONDARY EDUCATION ACT OF 1965.**

16 (a) TITLE I STATE PLANS.—Section 1111(b) of the
17 Elementary and Secondary Education Act of 1965 (20
18 U.S.C. 6311(b)) is amended by adding at the end the fol-
19 lowing:

20 “(11) POSITIVE BEHAVIORAL INTERVENTIONS
21 AND SUPPORTS.—In the case of a State that pro-
22 poses to use funds under this part to support posi-
23 tive behavioral interventions and supports, the State
24 plan shall describe how the State educational agency
25 will—

1 “(A) assist local educational agencies in
2 implementing positive behavioral interventions
3 and supports in schools served by the local edu-
4 cational agency on a whole-school basis;

5 “(B) provide technical assistance and
6 training to local educational agencies to im-
7 prove and support the development, implemen-
8 tation, and coordination of comprehensive posi-
9 tive behavioral interventions and supports car-
10 ried out under this Act with similar activities
11 carried out under the Individuals with Disabil-
12 ities Education Act; and

13 “(C) evaluate the effects of providing posi-
14 tive behavioral interventions and supports.

15 “(12) EARLY INTERVENING SERVICES.—In the
16 case of a State that proposes to use funds under this
17 part to support early intervening services, the State
18 plan shall describe how the State educational agency
19 will—

20 “(A) assist local educational agencies in
21 implementing early intervening services in
22 schools served by the local educational agency
23 to reduce the need to label children as disabled
24 in order to address the learning and behavioral
25 needs of such children;

1 ices and who, after receiving such
2 services, have been identified as eligi-
3 ble for, and receive, special education
4 and related services under part B of
5 the Individuals with Disabilities Edu-
6 cation Act.”.

7 (c) TITLE I LOCAL EDUCATIONAL AGENCY PLANS.—
8 Section 1112(b)(1) of the Elementary and Secondary
9 Education Act of 1965 (20 U.S.C. 6312(b)(1)) is amend-
10 ed—

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

13 (2) in subparagraph (Q), by striking the period
14 and inserting a semicolon; and

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

16 “(R) if the local educational agency pro-
17 poses to use subgrant funds under this part for
18 positive behavioral interventions and supports, a
19 description of the actions the local educational
20 agency will take to provide positive behavioral
21 interventions and supports and coordinate those
22 activities with similar activities carried out
23 under the Individuals with Disabilities Edu-
24 cation Act; and

1 need for suspensions, expulsions refer-
2 rals to law enforcement, and other ac-
3 tions that remove students from in-
4 struction;

5 “(cc) implementation of early in-
6 tervening services, including through
7 coordination with similar early inter-
8 vening services carried out under the
9 Individuals with Disabilities Edu-
10 cation Act;”.

11 (2) TECHNICAL ASSISTANCE.—Section
12 1116(b)(4)(B) of the Elementary and Secondary
13 Education Act of 1965 (20 U.S.C. 6316(b)(4)(B))—

14 (A) by redesignating clauses (iii) and (iv)
15 as clauses (iv) and (v), respectively; and

16 (B) by inserting after clause (ii) the fol-
17 lowing:

18 “(iii) shall include assistance in the
19 implementation of schoolwide positive be-
20 havior supports and other approaches with
21 evidence of effectiveness for improving the
22 learning environment in the school and re-
23 ducing the need for suspensions, expul-
24 sions, and other actions that remove stu-
25 dents from instruction, including effective

1 strategies for improving coordination of
2 community resources;”.

3 (e) TITLE I ASSESSMENTS AND SCHOOL IMPROVE-
4 MENT.—

5 (1) SCHOOL IMPROVEMENT PLAN.—Section
6 1116(b)(3)(A) of the Elementary and Secondary
7 Education Act of 1965 (20 U.S.C. 6316(b)(3)(A)) is
8 amended—

9 (A) in clause (ix), by striking “and” after
10 the semicolon;

11 (B) in clause (x), by striking the period
12 and inserting a semicolon; and

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

14 “(xi) specify whether the local edu-
15 cational agency or the school will adopt
16 and implement policies or practices to im-
17 plement or improve positive behavioral
18 interventions and supports and enhance co-
19 ordination with similar activities carried
20 out under the Individuals with Disabilities
21 Education Act; and

22 “(xii) specify whether the local edu-
23 cational agency or the school will adopt
24 and implement policies or practices to im-
25 plement or improve early intervening serv-

1 (B) by inserting “and any technical assist-
2 ance center on schoolwide positive behavioral
3 interventions and supports funded under section
4 665(b) of the Individuals with Disabilities Edu-
5 cation Act,” after “2002),”.

6 (2) STATEWIDE SYSTEMS FOR SUPPORT.—Sec-
7 tion 1117(a)(5)(B) of the Elementary and Sec-
8 ondary Education Act of 1965 (20 U.S.C.
9 6317(a)(5)(B)) is amended—

10 (A) in clause (i), by striking the semicolon
11 at the end and inserting the following: “, in-
12 cluding by improving or expanding the use of
13 positive behavioral interventions and supports
14 aligned with similar activities carried out under
15 the Individuals with Disabilities Education
16 Act;”; and

17 (B) in clause (iii), by striking “and” after
18 the semicolon;

19 (C) in clause (iv), by striking the period
20 and inserting a semicolon; and

21 (D) by adding at the end the following:

22 “(v) review and analyze the school’s
23 efforts to identify and assist students with
24 poor academic achievement and students
25 with disabilities, and assist the school in

1 developing or improving early intervening
2 services that are coordinated with similar
3 activities carried out under the Individuals
4 with Disabilities Education Act;

5 “(vi) review and analyze the school’s
6 efforts to address behavioral or disciplinary
7 problems, and assist the school in devel-
8 oping or improving schoolwide positive be-
9 havioral interventions and supports that
10 are coordinated with similar activities car-
11 ried out under the Individuals with Dis-
12 abilities Education Act; and

13 “(vii) review the number of discipline
14 incidents in the school and use that infor-
15 mation to assist the school to implement
16 schoolwide positive behavioral interventions
17 and supports or other early intervening
18 services, or both.”.

19 (g) TITLE I PARENTAL INVOLVEMENT.—Section
20 1118(e) of the Elementary and Secondary Education Act
21 of 1965 (20 U.S.C. 6318(e)) is amended—

22 (1) by redesignating paragraphs (6) through
23 (14) as paragraphs (7) through (15), respectively;
24 and

1 (2) by inserting after paragraph (5) the fol-
2 lowing:

3 “(6) shall provide information to school per-
4 sonnel, students, and parents about the school’s use
5 of positive behavioral interventions and supports and
6 the expectations of school personnel, students, and
7 parents in supporting a safe learning environment
8 for all students;”.

9 (h) PREVENTION AND INTERVENTION PROGRAMS.—
10 Section 1414(c)(8) of the Elementary and Secondary Edu-
11 cation Act of 1965 (20 U.S.C. 6434(c)(8)) is amended by
12 inserting “, including coordinating the use of positive be-
13 havioral interventions and supports and early intervening
14 services to improve academic achievement and reduce dis-
15 ciplinary actions” before the semicolon at the end.

16 (i) TECHNICAL ASSISTANCE.—Section 1419 of the
17 Elementary and Secondary Education Act of 1965 (20
18 U.S.C. 6439) is amended—

19 (1) in paragraph (1), by striking “and” after
20 the semicolon;

21 (2) in paragraph (2), by striking the period and
22 inserting “; and”; and

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

24 “(3) to provide technical assistance in imple-
25 menting positive behavior interventions and supports

1 and early intervening services in order to improve
2 academic achievement and reduce disciplinary ac-
3 tions.”.

4 (j) DEFINITION.—Section 9101 of the Elementary
5 and Secondary Education Act of 1965 (20 U.S.C. 7801)
6 is amended—

7 (1) by redesignating paragraphs (17) through
8 (43) as paragraphs (18) through (44), respectively;
9 and

10 (2) by inserting after paragraph (15) the fol-
11 lowing:

12 “(16) EARLY INTERVENING SERVICES.—The
13 term ‘early intervening services’ means early inter-
14 vening services described in section 613(f)(1) of the
15 Individuals with Disabilities Education Act.”.