

115TH CONGRESS  
1ST SESSION

# H. R. 3618

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to establish the Office of School Discipline Policy, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2017

Mr. RICHMOND introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To amend the Juvenile Justice and Delinquency Prevention Act of 1974 to establish the Office of School Discipline Policy, 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 “Student Disciplinary  
5 Fairness Act of 2017”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Too many juveniles are introduced to the  
2       formal criminal justice system for minor behavioral  
3       infractions at school.

4           (2) Common behavioral infractions at school  
5       often result in suspension, expulsion, or incarceration  
6       of the juvenile students involved.

7           (3) Zero-tolerance school discipline policies in-  
8       crease the number of incarcerated juveniles.

9           (4) Research shows that juveniles who are in-  
10      carcerated are significantly less likely to complete  
11      secondary school, experience less human capital de-  
12      velopment and diminished earnings potential, and  
13      are more likely to recidivate and be incarcerated as  
14      adults.

15 **SEC. 3. SCHOOL DISCIPLINE POLICY.**

16       The Juvenile Justice and Delinquency Prevention Act  
17 of 1974 (42 U.S.C. 5601 et seq.) is amended by inserting  
18 after title V the following new title:

19 **“TITLE VI—SCHOOL DISCIPLINE**  
20 **POLICY**

21 **“SEC. 601. ESTABLISHMENT OF OFFICE.**

22       “(a) IN GENERAL.—There is hereby established with-  
23 in the Office of Juvenile Justice and Delinquency Preven-  
24 tion an Office of School and Discipline Policy (referred  
25 to in this title as the ‘Office’), headed by a Director ap-

1 pointed by the Administrator of the Office of Juvenile Jus-  
2 tice and Delinquency Prevention.

3 “(b) PURPOSE.—The purpose of the Office shall be  
4 to reduce the number of juveniles who are incarcerated  
5 and develop a criminal record based on activity that occurs  
6 while the juvenile is at school.

7 **“SEC. 602. DUTIES.**

8 “The Office shall—

9 “(1) collect and publish data, in collaboration  
10 with the Office for Civil Rights of the Department  
11 of Education, relating to the arrest and incarcer-  
12 ation of juvenile students for violations of school  
13 rules or policies;

14 “(2) work with States, units of local govern-  
15 ment, local educational agencies, and non-govern-  
16 mental organizations in order to expand the use of  
17 alternatives to detention and incarceration program-  
18 ming in schools in order to reduce the number of ju-  
19 venile students who are arrested and incarcerated  
20 for violating school rules or policies; and

21 “(3) collect and publish data, in collaboration  
22 with the Office of Justice Programs, relating to the  
23 relationship between the presence of a school re-  
24 source officer at a school and the rate of juvenile

1 students who are arrested and incarcerated for viola-  
2 tions of school rules or policies.

3 **“SEC. 603. SCHOOL DISCIPLINE POLICY GRANT PROGRAM.**

4 “(a) GRANTS AUTHORIZED.—The Director may  
5 make grants to States, units of local government, and local  
6 educational agencies in order to further the purpose de-  
7 scribed in section 601(b).

8 “(b) APPLICATION.—A State, unit of local govern-  
9 ment, or local educational agency seeking a grant under  
10 this section shall submit an application to the Director at  
11 such time, in such manner, and containing such informa-  
12 tion as the Director may reasonably require.

13 “(c) PREFERENCE.—The Director shall give pref-  
14 erence in awarding grants to an applicant that dem-  
15 onstrates that it has, at the time of submitting an applica-  
16 tion, begun to take steps to further the purpose described  
17 in section 601(b).

18 “(d) USES OF FUNDS.—A State, unit of local govern-  
19 ment or local educational agency that receives a grant  
20 under this section shall use such funds for programs that  
21 reduce the rate of juvenile students who are arrested and  
22 incarcerated for violations of school rules or policies, and  
23 any other activity that the Director determines will further  
24 the purpose described in section 601(b).

1 **“SEC. 604. DEFINITIONS.**

2 “In this title:

3 “(1) The term ‘school’ means an elementary  
4 school or a secondary school as such terms are de-  
5 fined in section 9101 of the Elementary and Sec-  
6 ondary Education Act of 1965 (20 U.S.C. 7801).

7 “(2) The term ‘school resource officer’ has the  
8 meaning given such term in section 1709 of the Om-  
9 nibus Crime Control and Safe Streets Act of 1968  
10 (42 U.S.C. 3796dd–8).

11 “(3) The term ‘local educational agency’ has  
12 the meaning given such term in section 9101 of the  
13 Elementary and Secondary Education Act of 1965  
14 (20 U.S.C. 7801).

15 “(4) The term ‘juvenile student’ means a juve-  
16 nile who is enrolled in school.

17 **“SEC. 605. AUTHORIZATION OF APPROPRIATIONS.**

18 “There is authorized to be appropriated such sums  
19 as may be necessary for fiscal years 2017 and 2018 to  
20 carry out this title.”.

21 **SEC. 4. CONDITIONS FOR STATES TO RECEIVE “COPS ON**  
22 **THE BEAT” GRANTS.**

23 Section 1702(c) of the Omnibus Crime Control and  
24 Safe Streets Act of 1968 is amended—

25 (1) in paragraph (10), by striking “and” at the  
26 end;

1           (2) in paragraph (11), by striking the period at  
2           the end and inserting “; and”; and

3           (3) by inserting after paragraph (11), the fol-  
4           lowing new paragraph:

5           “(12) in the case of an applicant that is a State  
6           or unit of local government, provide assurances  
7           that—

8                   “(A) the administration of juvenile justice  
9                   in the applicant’s jurisdiction is consistent with  
10                  any requirements of the United States Con-  
11                  stitution and the 4th, 5th, and 14th amend-  
12                  ments to the Constitution, including assurances  
13                  that—

14                           “(i) before a juvenile is arrested, the  
15                           arresting law enforcement officer must  
16                           have probable cause specific to that juve-  
17                           nile; and

18                           “(ii) juveniles who are arrested must  
19                           receive adequate procedural due process,  
20                           including—

21                                   “(I) adequate and timely notice  
22                                   to the juvenile and the juvenile’s  
23                                   guardian regarding any court pro-  
24                                   ceedings related to the incident for  
25                                   which the juvenile was arrested;

1 “(II) representation by an attor-  
2 ney in any court proceeding as a re-  
3 sult of which the juvenile could face  
4 incarceration;

5 “(III) protections against self-in-  
6 crimination; and

7 “(IV) an opportunity to cross-ex-  
8 amine any witness testifying against  
9 the juvenile; and

10 “(B) any contract governing the terms of  
11 probation for a juvenile shall not contain any  
12 clauses that—

13 “(i) the juvenile cannot understand;  
14 and

15 “(ii) in the case of a juvenile student  
16 (as such term is defined in section 604 of  
17 the Juvenile Justice and Delinquency Pre-  
18 vention Act of 1974), could result in incar-  
19 ceration for violations of school rules or  
20 policies.”.

1 **SEC. 5. AUTHORITY FOR THE ATTORNEY GENERAL TO AC-**  
2 **CESS CERTAIN RECORDS RELATING TO JUVE-**  
3 **NILE JUSTICE.**

4 Section 210401 of the Violent Crime Control and  
5 Law Enforcement Act of 1994 (42 U.S.C. 14141) is  
6 amended by adding at the end the following:

7 “(c) ACCESS TO CERTAIN RECORDS RELATING TO  
8 JUVENILE JUSTICE.—The Attorney General may issue  
9 subpoenas requiring the production of any documents re-  
10 lating to any matter which the Attorney General is author-  
11 ized to investigate under subsection (a).”.

12 **SEC. 6. DEPARTMENT OF EDUCATION GRANT PROGRAM.**

13 (a) PROGRAM AUTHORIZED.—From the amounts ap-  
14 propriated to carry out this section, the Secretary of Edu-  
15 cation (acting through the Office of Civil Rights of the  
16 Department of Education) shall make grants to eligible  
17 entities to fund training for school personnel in elementary  
18 schools and secondary schools on de-escalation techniques  
19 to teach the personnel procedures and tactics to mitigate  
20 delinquent student behavior which may avoid a referral to  
21 law enforcement officials.

22 (b) APPLICATION.—To receive a grant under this sec-  
23 tion, an eligible entity shall submit an application to the  
24 Secretary of Education at such time, in such manner, and  
25 containing such information as the Secretary may require,



1 including information that demonstrates that the eligible  
2 entity—

3 (1) is fully compliant with all applicable Federal  
4 school discipline data reporting requirements, includ-  
5 ing, if applicable, the reporting requirements of sec-  
6 tion 618 of the Individuals with Disabilities Edu-  
7 cation Act of 1965 (20 U.S.C. 1418(a)); and

8 (2) has provided complete information to all ap-  
9 plicable data surveys of Department of Education,  
10 including the Office for Civil Rights.

11 (c) LIMITATION.—An elementary school or secondary  
12 school may only receive assistance under this section dur-  
13 ing a grant period from 1 eligible entity receiving a grant  
14 under this section during the grant period.

15 (d) DEFINITIONS.—For purposes of this section:

16 (1) ELIGIBLE ENTITY.—The term “eligible enti-  
17 ty” means a State, unit of general local government,  
18 or juvenile justice agency.

19 (2) GENERAL ESEA TERMS.—The terms “ele-  
20 mentary schools”, “secondary schools”, and “State”  
21 have the meanings given the terms in section 9101  
22 of the Elementary and Secondary Education Act of  
23 1965 (20 U.S.C. 7801).

24 (3) SCHOOL PERSONNEL.—The term “school  
25 personnel” has the meaning given the term in sec-

1       tion 4151 of the Elementary and Secondary Edu-  
2       cation Act of 1965 (20 U.S.C. 7161).

3       (e) AUTHORIZATION OF APPROPRIATIONS.—There  
4       are authorized to be appropriated such sums as may be  
5       necessary for fiscal years 2017 and 2018 to carry out this  
6       section.

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