

Page 4, after line 21, insert the following:
“(14) establishing partnerships between State educational agencies and local educational agencies for the design and implementation of character education and training programs that reflect the values of parents, teachers, and local communities, and incorporate elements of good character, including honesty, citizenship, courage, justice, respect, personal responsibility, and trustworthiness; and

“(15) implementing other activities that foster strong character development in at-risk juveniles and juveniles in the juvenile justice system.

It was decided in the affirmative { Yeas ..... 422 Nays ..... 1

¶66.21 [Roll No. 228] AYES—422

- Abercrombie, Ackerman, Aderholt, Allen, Andrews, Archer, Arney, Bachus, Baird, Baker, Baldacci, Baldwin, Ballenger, Barr, Barrett (NE), Barrett (WI), Bartlett, Barton, Bass, Bateman, Becerra, Bentsen, Bereuter, Berkley, Berman, Berry, Biggart, Bilbray, Bilirakis, Bishop, Blagojevich, Biley, Blumenauer, Blunt, Boehlert, Boehner, Bonilla, Bonior, Bono, Bosksi, Boswell, Boucher, Boyd, Brady (PA), Brady (TX), Brown (FL), Brown (OH), Bryant, Burr, Burton, Buyer, Callahan, Calvert, Camp, Campbell, Canady, Cannon, Capps, Cardin, Castle, Chabot, Chambliss, Chenoweth, Clay, Clayton, Clement, Clyburn, Coble, Coburn, Collins, Combest, Condit, Conyers, Cook, Cooksey, Costello, Cox

- Lucas (KY), Lucas (OK), Luther, Maloney (CT), Maloney (NY), Manzullo, Markey, Martinez, Mascara, Matsui, McCarthy (MO), McCarthy (NY), McCollum, McCrery, McDermott, McGovern, McHugh, McInnis, McIntosh, McIntyre, McKeon, McKinney, McNulty, Meehan, Meek (FL), Meeks (NY), Menendez, Metcalf, Mica, Millender-McDonald, Miller (FL), Miller, Gary, Miller, George, Mink, Moakley, Mollohan, Moore, Moran (KS), Moran (VA), Morella, Murtha, Myrick, Nadler, Napolitano, Neal, Nethercutt, Ney, Norwood, Nussle, Oberstar, Obey, Olver, Ortiz, Ose, Owens, Oxley, Packard, Pallone, Pascrell, Pastor, Paul, Payne, Pease, Pelosi, Peterson (MN), Peterson (PA), Petri, Phelps, Pickering, Pickett, Pitts, Pombo, Pomeroy, Porter, Portman, Price (NC), Pryce (OH), Quinn, Rahall, Ramstad, Rangel, Regula, Reyes, Reynolds, Riley, Rivers, Rodriguez, Roemer, Rogan, Rogers, Rohrabacher, Ros-Lehtinen, Rothman, Roukema, Roybal-Allard, Royce, Rush, Ryan (WI), Ryun (KS), Sabo, Sanchez, Sanders, Sandlin, Sanford, Sawyer, Saxton, Scarborough, Schaffer, Schakowsky, Scott, Sensenbrenner, Serrano, Sessions, Shadegg, Shaw, Sherman, Sherwood, Shimkus, Shows, Shuster, Simpson, Siskisky, Skeen, Skelton, Slaughter, Smith (MI), Smith (NJ), Smith (TX), Smith (WA)

- NOES—1 Capuano, NOT VOTING—11 Barcia, Brown (CA), Carson, Houghton, Johnson, Sam, Minge, Northup, Radanovich, Salmon, Shays, Thomas

So the amendment was agreed to.

¶66.22 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. MCINTOSH:

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

TITLE —TEACHER LIABILITY PROTECTION

SEC. 01. SHORT TITLE.

This title may be cited as the “Teacher Liability Protection Act of 1999”.

SEC. 02. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress makes the following findings:

(1) The ability of teachers, principals and other school professionals to teach, inspire and shape the intellect of our Nation’s ele-

mentary and secondary school students is deterred and hindered by frivolous lawsuits and litigation.

(2) Each year more and more teachers, principals and other school professionals face lawsuits for actions undertaken as part of their duties to provide millions of school children quality educational opportunities.

(3) Too many teachers, principals and other school professionals face increasingly severe and random acts of violence in the classroom and in schools.

(4) Providing teachers, principals and other school professionals a safe and secure environment is an important part of the effort to improve and expand educational opportunities.

(5) Clarifying and limiting the liability of teachers, principals and other school professionals who undertake reasonable actions to maintain order, discipline and an appropriate educational environment is an appropriate subject of Federal legislation because—

(A) the scope of the problems created by the legitimate fears of teachers, principals and other school professionals about frivolous, arbitrary or capricious lawsuits against teachers is of national importance; and

(B) millions of children and their families across the Nation depend on teachers, principals and other school professionals for the intellectual development of children.

(b) PURPOSE.—The purpose of this title is to provide teachers, principals and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline and an appropriate educational environment.

SEC. 03. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This title preempts the laws of any State to the extent that such laws are inconsistent with this title, except that this title shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) ELECTION OF STATE REGARDING NON-APPLICABILITY.—This title shall not apply to any civil action in a State court against a teacher in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

- (1) citing the authority of this subsection; (2) declaring the election of such State that this title shall not apply, as of a date certain, to such civil action in the State; and (3) containing no other provisions.

SEC. 04. LIMITATION ON LIABILITY FOR TEACHERS.

(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsections (b) and (c), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

- (1) the teacher was acting within the scope of the teacher’s employment or responsibilities related to providing educational services; (2) the actions of the teacher were carried out in conformity with local, state, or federal laws, rules or regulations in furtherance of efforts to control, discipline, expel, or suspend a student or maintain order or control in the classroom or school; (3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher’s responsibilities; (4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and