

REFERENCES IN TEXT

The Goals 2000: Educate America Act, referred to in text, is Pub. L. 103-227, Mar. 31, 1994, 108 Stat. 125 (except titles V and IX), as amended, which is classified principally to chapter 68 (§5801 et seq.) of this title (except subchapters V (§5931 et seq.) and IX (§6001 et seq.)). For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

PART F—GUN POSSESSION

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 8802 of this title.

§ 8921. Gun-free requirements**(a) Short title**

This section may be cited as the “Gun-Free Schools Act of 1994”.

(b) Requirements**(1) In general**

Except as provided in paragraph (3), each State receiving Federal funds under this chapter shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than one year a student who is determined to have brought a weapon to a school under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of such local educational agency to modify such expulsion requirement for a student on a case-by-case basis.

(2) Construction

Nothing in this subchapter shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student’s regular school setting from providing educational services to such student in an alternative setting.

(3) Special rule

(A) Any State that has a law in effect prior to October 20, 1994, which is in conflict with the not less than one year expulsion requirement described in paragraph (1) shall have the period of time described in subparagraph (B) to comply with such requirement.

(B) The period of time shall be the period beginning on October 20, 1994, and ending one year after such date.

(4) “Weapon” defined

For the purpose of this section, the term “weapon” means a firearm as such term is defined in section 921 of title 18.

(c) Special rule

The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.].

(d) Report to State

Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under this chapter shall provide to the State, in the application requesting such assistance—

(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b) of this section; and

(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b) of this section, including—

(A) the name of the school concerned;

(B) the number of students expelled from such school; and

(C) the type of weapons concerned.

(e) Reporting

Each State shall report the information described in subsection (c) of this section to the Secretary on an annual basis.

(f) Report to Congress

Two years after October 20, 1994, the Secretary shall report to Congress if any State is not in compliance with the requirements of this subchapter.

(Pub. L. 89-10, title XIV, §14601, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3907.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (c), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

APPLICABILITY OF INDIVIDUALS WITH DISABILITIES
EDUCATION ACT

Section 314(b) of Pub. L. 103-382 provided that: “Nothing in the Individuals with Disabilities Education Act [20 U.S.C. 1400 et seq.] shall supersede the provisions of section 14601 of the Elementary and Secondary Education Act [of 1965] [20 U.S.C. 8921] if a child’s behavior is unrelated to such child’s disability, except that this section [amending section 1415 of this title and enacting provisions set out as a note under section 1415 of this title] shall be interpreted in a manner that is consistent with the Department’s final guidance concerning State and local responsibilities under the Gun-Free Schools Act of 1994 [20 U.S.C. 8921].”

§ 8922. Policy regarding criminal justice system referral**(a) In general**

No funds shall be made available under this chapter to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

(b) Definitions

For the purpose of this section, the terms “firearm” and “school” have the same meaning given to such terms by section 921(a) of title 18.

(Pub. L. 89-10, title XIV, §14602, as added Pub. L. 103-382, title I, §101, Oct. 20, 1994, 108 Stat. 3908.)

§ 8923. Data and policy dissemination under IDEA

The Secretary shall—

(1) widely disseminate the policy of the Department in effect on October 20, 1994, with respect to disciplining children with disabilities;

(2) collect data on the incidence of children with disabilities (as such term is defined in section 602(a)(1)¹ of the Individuals With² Dis-

¹ See References in Text note below.

² So in original. Probably should not be capitalized.