

**§ 7961. Gun-free requirements****(a) Short title**

This subpart may be cited as the “Gun-Free Schools Act”.

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

Each State receiving Federal funds under any subchapter of this chapter shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.

**(2) Construction**

Nothing in this subpart 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) Definition**

For the purpose of this section, the term “firearm” has the same meaning given such term in section 921(a) 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 any subchapter of 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); and

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

- (A) the name of the school concerned;
- (B) the number of students expelled from such school; and
- (C) the type of firearms concerned.

**(e) Reporting**

Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

**(f) Definition**

For the purpose of subsection (d), the term “school” means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.

**(g) Exception**

Nothing in this section shall apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.

**(h) Policy regarding criminal justice system referral****(1) In general**

No funds shall be made available under any subchapter of 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.

**(2) Definition**

For the purpose of this subsection, the term “school” has the same meaning given to such term by section 921(a) of title 18.

(Pub. L. 89–10, title VIII, § 8561, formerly title IV, § 4141, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1762; renumbered title IX, § 9551, renumbered title VIII, § 8561, Pub. L. 114–95, title IV, § 4001(a)(2)(A), (B), (D), title VIII, § 8001(a)(8), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089.)

## 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, 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.

## CODIFICATION

Section was classified to section 7151 of this title prior to renumbering by Pub. L. 114–95.

## SUBPART 5—ENVIRONMENTAL TOBACCO SMOKE

## CODIFICATION

Pub. L. 114–95, title IV, § 4001(a)(4)(A)–(C)(i), title VIII, § 8001(a), (b)(1), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089, redesignated part C (§ 7181 et seq.) of subchapter IV of this chapter as subpart 5 of part F of this subchapter.

Similar provisions relating to environmental tobacco smoke are contained in part B (§ 6081 et seq.) of subchapter X of chapter 68 of this title.

**§ 7971. Short title**

This subpart<sup>1</sup> may be cited as the “Pro-Children Act of 2001”.

(Pub. L. 89–10, title VIII, § 8571, formerly title IV, § 4301, as added Pub. L. 107–110, title IV, § 401, Jan. 8, 2002, 115 Stat. 1773; renumbered title IX, § 9561, renumbered title VIII, § 8571, Pub. L. 114–95, title IV, § 4001(a)(4)(A), (B), (C)(ii), title VIII, § 8001(a)(9), Dec. 10, 2015, 129 Stat. 1966, 2088, 2089.)

## REFERENCES IN TEXT

This subpart, referred to in text, was in the original “this part”, and was translated as reading “this subpart”, to reflect the probable intent of Congress. Pub. L. 114–95 redesignated part C of title IV of Pub. L. 89–10

<sup>1</sup> See References in Text note below.