

105TH CONGRESS
1ST SESSION

S. 706

To amend the Individuals with Disabilities Education Act to permit the use of long-term disciplinary measures against students who are children with disabilities, to provide for a limitation on the provision of educational services to children with disabilities who engage in behaviors that are unrelated to their disabilities, and to require educational entities to include in the educational records of students who are children with disabilities and students who are children without disabilities documentation with regard to disciplinary measures taken against such students, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 6, 1997

Mr. BOND introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Individuals with Disabilities Education Act to permit the use of long-term disciplinary measures against students who are children with disabilities, to provide for a limitation on the provision of educational services to children with disabilities who engage in behaviors that are unrelated to their disabilities, and to require educational entities to include in the educational records of students who are children with disabilities and students who are children without disabilities documentation with regard to disciplinary measures taken against such students, 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 “School Security Im-
5 provement Act of 1997”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

8 (1) independent studies have shown that the
9 safety and discipline of students in public school sys-
10 tems are ranked as the top 2 concerns of the public
11 with respect to matters relating to the administra-
12 tion of public school systems;

13 (2) administrators of public school systems
14 must be given the resources necessary to ensure that
15 the students and the personnel of such systems are
16 provided educational and working environments that
17 are safe and orderly; and

18 (3) if the misconduct of a student who is a
19 child with a disability is not a manifestation of a dis-
20 ability of the student, the student should be subject
21 to the same disciplinary measures that are provided
22 in the rules or code of conduct of an educational en-
23 tity for a student who is a child without a disability,
24 including a disciplinary measure such as a cessation
25 of educational services.

1 **SEC. 3. PURPOSES.**

2 The purposes of this Act are—

3 (1) to permit educational entities to use fair
4 disciplinary measures against all students, including
5 children with disabilities; and

6 (2) to require educational entities—

7 (A) to include in the educational record of
8 a student who is a child with a disability or a
9 student who is a child without a disability a
10 statement of disciplinary measures taken
11 against the student; and

12 (B) to transmit the statement with the
13 educational record of the student to other edu-
14 cational entities if the student transfers from
15 an elementary school or secondary school (as
16 the terms are defined in section 602(c)) to an-
17 other such school.

18 **SEC. 4. DISCIPLINE OF STUDENTS WHO ARE CHILDREN**
19 **WITH DISABILITIES.**

20 (a) MAINTENANCE OF DISCIPLINARY RECORDS.—

21 Section 612 of the Individuals with Disabilities Education
22 Act (20 U.S.C. 1412) is amended by adding at the end
23 the following:

24 “(8) The State has in effect a State law that
25 requires State educational agencies, local educational
26 agencies, and intermediate educational units—

1 “(A) to include in the educational record of
2 a child with a disability or a child without a dis-
3 ability a statement of any disciplinary measure
4 taken against the child that results in an out-
5 of-school suspension of more than 10 days or
6 an expulsion from school; and

7 “(B) in a case in which the child with a
8 disability or the child without a disability is
9 transferred from an elementary school or sec-
10 ondary school (as the terms are defined in sec-
11 tion 602(c), or section 14101 of the Elementary
12 and Secondary Education Act of 1965 (20
13 U.S.C. 8801), whichever are applicable) to an-
14 other such school (in the State or in another
15 State), to transmit the statement with the edu-
16 cational record to other educational entities in-
17 volved with such a transfer.

18 The statement described in subparagraph (A) for a
19 child with a disability or a child without a disability
20 may include a description of any behavior engaged
21 in by the child that required a disciplinary measure,
22 a description of the disciplinary measure taken
23 against the child, and any other information that is
24 relevant to the safety of the child and the individuals
25 involved with the child.”.

1 (b) DISCIPLINARY MEASURES.—

2 (1) USE OF DISCIPLINARY MEASURES WHEN
 3 THE BEHAVIOR OF A CHILD IS NOT A MANIFESTA-
 4 TION OF THE DISABILITY OF THE CHILD.—Part B
 5 of the Individuals with Disabilities Education Act
 6 (20 U.S.C. 1411 et seq.) is amended by inserting
 7 after section 615 the following:

8 **“SEC. 615A. USE OF DISCIPLINARY MEASURES WHEN THE**
 9 **BEHAVIOR OF A CHILD IS NOT A MANIFESTA-**
 10 **TION OF THE DISABILITY OF THE CHILD.**

11 “(a) IN GENERAL.—A State educational agency, a
 12 local educational agency, or an intermediate educational
 13 unit may use a long-term disciplinary measure to address
 14 the behavior of a child with a disability that is a violation
 15 of the rules or code of conduct of such an educational en-
 16 tity, if—

17 “(1) the behavior was not a manifestation of
 18 the disability of the child; and

19 “(2) the long-term disciplinary measure applies
 20 to the child with a disability to the same extent the
 21 long-term disciplinary measure applies to a child
 22 without a disability who engages in the same behav-
 23 ior.

24 “(b) PROVISION OF EDUCATIONAL SERVICES.—In
 25 the case of a child with a disability who engages in behav-

ior that violates the rules or code of conduct of an educational entity described in subsection (a), the child shall continue to receive educational services in accordance with this Act, unless—

“(1) the behavior of the child was not a manifestation of the disability of the child; and

“(2) the policy of the educational entity is to cease educational services to any child determined to be engaged in such behavior.

“(c) CONSTRUCTION.—Nothing in this section shall be construed to limit the rights provided for children with disabilities under section 615.

“(d) DEFINITION.—In this section, the term ‘long-term disciplinary measure’ means a disciplinary action that is carried out by an educational entity described in subsection (a) for a period of more than 10 school days.”.

(2) ALTERNATIVE EDUCATIONAL PLACEMENT FOR THREATENING BEHAVIOR.—Section 615(e)(3)(B)(i) of the Individuals with Disabilities Education Act (20 U.S.C. 1415(e)(3)(B)(i)) is amended by striking “jurisdiction of such agency,” and inserting “jurisdiction of such agency or is determined by a hearing officer to have been engaged in behavior in such school that posed a threat to the safety of individuals involved with the child,”.

1 (c) DEFINITIONS.—Section 602 of the Individuals
 2 with Disabilities Education Act (20 U.S.C. 1401) is
 3 amended by adding at the end the following:

4 “(c) In sections 612(8) and 615A, the term ‘child
 5 without a disability’ means an individual—

6 “(1) who is enrolled in an elementary school or
 7 secondary school (as the terms are defined in section
 8 14101 of the Elementary and Secondary Education
 9 Act of 1965 (20 U.S.C. 8801); and

10 “(2) who is not a child with a disability.”.

11 **SEC. 5. SENSE OF THE SENATE.**

12 (a) FINDINGS.—Congress finds that—

13 (1) when Congress enacted the Individuals with
 14 Disabilities Education Act (20 U.S.C. 1400 et seq.),
 15 Congress made a commitment to provide funding for
 16 the State grant program under the Act at a level of
 17 40 percent of the national average per-pupil expendi-
 18 ture; and

19 (2) since the enactment of such Act, Congress
 20 has only funded the State grant program at 7 per-
 21 cent of the national average per-pupil expenditure.

22 (b) SENSE OF THE SENATE.—It is the sense of the
 23 Senate that Congress should follow through on its original
 24 funding commitment and provide funding for the State
 25 grant program under the Individuals with Disabilities

- 1 Education Act at the level of 40 percent of the national
- 2 average per-pupil expenditure.

