

105TH CONGRESS
1ST SESSION

S. 763

To amend the Gun-Free Schools Act of 1994 to require a local educational agency that receives funds under the Elementary and Secondary Education Act of 1965 to expel a student determined to be in possession of an illegal drug, or illegal drug paraphernalia, on school property, in addition to expelling a student determined to be in possession of a gun.

IN THE SENATE OF THE UNITED STATES

MAY 19, 1997

Mr. HELMS (for himself, Mr. FAIRCLOTH, Mr. ASHCROFT, Mr. GRASSLEY, and Mr. SESSIONS) introduced the following bill; which was read twice and referred to the Committee on Labor and Human Resources

A BILL

To amend the Gun-Free Schools Act of 1994 to require a local educational agency that receives funds under the Elementary and Secondary Education Act of 1965 to expel a student determined to be in possession of an illegal drug, or illegal drug paraphernalia, on school property, in addition to expelling a student determined to be in possession of a gun.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SAFE SCHOOLS.**

2 (a) AMENDMENTS.—Part F of title XIV of the Ele-
 3 mentary and Secondary Education Act of 1965 (20 U.S.C.
 4 8921 et seq.) is amended to read as follows:

5 **“PART F—ILLEGAL DRUG AND GUN POSSESSION**

6 **“SEC. 14601. DRUG-FREE AND GUN-FREE REQUIREMENTS.**

7 “(a) SHORT TITLE.—This section may be cited as the
 8 ‘Safe Schools Act of 1997’.

9 “(b) REQUIREMENTS.—

10 “(1) IN GENERAL.—Each State receiving Fed-
 11 eral funds under this Act shall have in effect a State
 12 law requiring local educational agencies to expel
 13 from school for a period of not less than one year
 14 a student who is determined—

15 “(A) to be in possession of an illegal drug,
 16 or illegal drug paraphernalia, on school prop-
 17 erty under the jurisdiction of, or on a vehicle
 18 operated by an employee or agent of, a local
 19 educational agency in that State; or

20 “(B) to have brought a weapon to a school
 21 under the jurisdiction of a local educational
 22 agency in that State,

23 except that such State law shall allow the chief ad-
 24 ministering officer of such local educational agency
 25 to modify such expulsion requirement for a student
 26 on a case-by-case basis.

1 “(2) CONSTRUCTION.—Nothing in this title
2 shall be construed to prevent a State from allowing
3 a local educational agency that has expelled a stu-
4 dent from such a student’s regular school setting
5 from providing educational services to such student
6 in an alternative setting.

7 “(3) DEFINITION.—For the purpose of this sec-
8 tion, the term ‘weapon’ means a firearm as such
9 term is defined in section 921(a) of title 18, United
10 States Code.

11 “(c) SPECIAL RULE.—The provisions of this section
12 shall be construed in a manner consistent with the Individ-
13 uals with Disabilities Education Act (20 U.S.C. 1400 et
14 seq.).

15 “(d) REPORT TO STATE.—Each local educational
16 agency requesting assistance from the State educational
17 agency that is to be provided from funds made available
18 to the State under this Act shall provide to the
19 State, in the application requesting such
20 assistance—

21 “(1) an assurance that such local educational
22 agency is in compliance with the State law required
23 by subsection (b); and

1 “(2) a description of the circumstances sur-
 2 rounding any expulsions imposed under the State
 3 law required by subsection (b), including—

4 “(A) the name of the school concerned;

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

7 “(C) the type of illegal drugs, illegal drug
 8 paraphernalia, or weapons concerned.

9 “(e) REPORTING.—Each State shall report the infor-
 10 mation described in subsection (d) to the Secretary on an
 11 annual basis.

12 “(f) REPORT TO CONGRESS.—Two years after the
 13 date of enactment of the Safe Schools Act of 1997, the
 14 Secretary shall report to Congress with respect to any
 15 State that is not in compliance with the requirements of
 16 this part.

17 **“SEC. 14602. POLICY REGARDING CRIMINAL JUSTICE SYS-**
 18 **TEM REFERRAL.**

19 “(a) IN GENERAL.—No funds shall be made available
 20 under this Act to any local educational agency unless such
 21 agency has a policy requiring referral to the criminal jus-
 22 tice or juvenile delinquency system of any student who is
 23 in possession of an illegal drug, or illegal drug parapherna-
 24 lia, on school property under the jurisdiction of, or on a
 25 vehicle operated by an employee or agent of, such agency,

1 or who brings a firearm or weapon to a school served by
2 such agency.

3 “(b) DEFINITIONS.—For the purpose of this section,
4 the terms ‘firearm’ and ‘school’ have the same meaning
5 given to such terms by section 921(a) of title 18, United
6 States Code.

7 **“SEC. 14603. DATA AND POLICY DISSEMINATION UNDER**
8 **IDEA.**

9 “The Secretary shall—

10 “(1) widely disseminate the policy of the De-
11 partment in effect on the date of enactment of the
12 Safe Schools Act of 1997 with respect to disciplining
13 children with disabilities;

14 “(2) collect data on the incidence of children
15 with disabilities (as such term is defined in section
16 602(a)(1) of the Individuals With Disabilities Edu-
17 cation Act (20 U.S.C. 1401(a)(1))) possessing illegal
18 drugs, or illegal drug paraphernalia, on school prop-
19 erty under the jurisdiction of, or on a vehicle oper-
20 ated by an employee or agent of, a local educational
21 agency, engaging in life threatening behavior at
22 school, or bringing weapons to schools; and

23 “(3) submit a report to Congress not later than
24 1 year after the date of enactment of the Safe
25 Schools Act of 1997 analyzing the strengths and

1 problems with the current approaches regarding dis-
2 ciplining children with disabilities.

3 **“SEC. 14604. DEFINITIONS.**

4 “In this part:

5 “(1) ILLEGAL DRUG.—

6 “(A) IN GENERAL.—The term ‘illegal
7 drug’ means a controlled substance, as defined
8 in section 102(6) of the Controlled Substances
9 Act (21 U.S.C. 802(6)), the possession of which
10 is unlawful under such Act (21 U.S.C. 801 et
11 seq.) or the Controlled Substances Import and
12 Export Act (21 U.S.C. 951 et seq.).

13 “(B) EXCLUSION.—The term ‘illegal drug’
14 does not mean a controlled substance used pur-
15 suant to a valid prescription or as authorized by
16 law.

17 “(2) ILLEGAL DRUG PARAPHERNALIA.—The
18 term ‘illegal drug paraphernalia’ means drug para-
19 phernalia, as defined in section 422 of the Con-
20 trolled Substances Act (21 U.S.C. 863), except that
21 the first sentence of section 422(d) of such Act shall
22 be applied by inserting ‘or under the Controlled Sub-
23 stances Import and Export Act (21 U.S.C. 951 et
24 seq.)’ before the period.”.

1 (b) EFFECTIVE DATE.—This Act and the amend-
2 ments made by this Act take effect 6 months after the
3 date of enactment of this Act.

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