106TH CONGRESS 2D SESSION

H. R. 4127

To amend the Individuals with Disabilities Education Act to provide increased authority for school personnel to discipline children with disabilities who engage in certain dangerous behavior.

IN THE HOUSE OF REPRESENTATIVES

March 29, 2000

Mr. VITTER introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

- To amend the Individuals with Disabilities Education Act to provide increased authority for school personnel to discipline children with disabilities who engage in certain dangerous behavior.
 - 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 "Classroom Safety Act
 - 5 of 2000".

SEC. 2. AMENDMENTS TO THE INDIVIDUALS WITH DISABIL-2 ITIES EDUCATION ACT. 3 (a) Placement in Alternative Educational 4 SETTING.—Section 615(k) of the Individuals with Disabil-5 ities Education Act (20 U.S.C. 1415(k)) is amended— 6 (1) by redesignating paragraph (10) as para-7 graph (11); and 8 (2) by inserting after paragraph (9) the fol-9 lowing: "(10) Discipline with regard to weap-10 11 ONS.— "(A) 12 AUTHORITY OF SCHOOL PER-13 SONNEL.—Notwithstanding any other provision 14 of this Act, school personnel may discipline (in-15 cluding expel or suspend) a child with a dis-16 ability who— 17 "(i) carries or possesses a weapon to 18 or at a school, on school premises, or to or 19 at a school function, under the jurisdiction 20 of a State or a local educational agency, or 21 "(ii) possesses or uses illegal drugs, or 22 sells or solicits the sale of a controlled sub-23 stance while at a school, on school prem-24 ises, or to or at a school function, under 25 the jurisdiction of a State or a local edu-26 cational agency,

in the same manner in which such personnel may discipline a child without a disability. Such personnel may modify the disciplinary action on a case-by-case basis.

"(B) Rule of construction.—Nothing in subparagraph (A) shall be construed to prevent a child with a disability who is disciplined pursuant to the authority provided under subparagraph (A) from asserting a defense that the carrying or possession of the weapon, or the possession of an illegal drug or sale or solicitation of the sale of a controlled substance, was unintentional or innocent.

"(C) Free appropriate public education.—

"(i) CEASING TO PROVIDE EDU-CATION.—Notwithstanding section 612(a)(1)(A), a child expelled or suspended under subparagraph (A) shall not be entitled to continue educational services, including a free appropriate public education, under this title, during the term of such expulsion or suspension, if the State in which the local educational agency responsible for providing educational services

| 1 | to such child does not require a child with- |
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| 2 | out a disability to receive educational serv- |
| 3 | ices after being expelled or suspended. |
| 4 | "(ii) Providing Education.—Not- |
| 5 | withstanding clause (i), the local edu- |
| 6 | cational agency responsible for providing |
| 7 | educational services to a child with a dis- |
| 8 | ability who is expelled or suspended under |
| 9 | subparagraph (A) may choose to continue |
| 10 | to provide educational services to such |
| 11 | child. If the local educational agency so |
| 12 | chooses to continue to provide the |
| 13 | services— |
| 14 | "(I) nothing in this title shall re- |
| 15 | quire the local educational agency to |
| 16 | provide such child with a free appro- |
| 17 | priate public education, or any par- |
| 18 | ticular level of service; and |
| 19 | "(II) the location where the local |
| 20 | educational agency provides the serv- |
| 21 | ices shall be left to the discretion of |
| 22 | the local educational agency. |
| 23 | "(D) Relationship to other require- |
| 24 | MENTS.— |

| 1 | "(i) Plan requirements.—No agen- |
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| 2 | cy shall be considered to be in violation of |
| 3 | section 612 or 613 because the agency has |
| 4 | provided discipline, services, or assistance |
| 5 | in accordance with this paragraph. |
| 6 | "(ii) Procedure.—Actions taken |
| 7 | pursuant to this paragraph shall not be |
| 8 | subject to the provisions of this section, |
| 9 | other than this paragraph.". |
| 10 | (b) Conforming Amendments.—(1) Section |
| 11 | 615(f)(1) of the Individuals with Disabilities Education |
| 12 | Act (20 U.S.C. 1415(f)(1)) is amended by striking |
| 13 | "Whenever" and inserting the following: "Except as pro- |
| 14 | vided in section 615(k)(10), whenever". |
| 15 | (2) Section 615(k)(1)(A)(ii) of the Individuals with |
| 16 | Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii)) |
| 17 | is amended in the matter preceding subclause (I) by in- |
| 18 | serting before "to an appropriate interim educational set- |
| 19 | ting" the following: "except as provided in paragraph |
| 20 | (10),". |

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