

Calendar No. 5

106TH CONGRESS
1ST SESSION

S. 44

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, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Mr. HELMS introduced the following bill; which was read the first time

JANUARY 20, 1999

Read the second time and placed on the calendar

A BILL

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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 1999’.

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 1 year a
 14 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 firearm to a school
 21 under the jurisdiction of a local educational
 22 agency in that State,

23 except that the State law shall allow the chief ad-
 24 ministering officer of the local educational agency to
 25 modify the expulsion requirement for a student on a
 26 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 the student’s regular school setting from
 5 providing educational services to the student in an
 6 alternative setting.

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

11 “(d) APPLICATION.—Each local educational agency
 12 requesting assistance from a State educational agency
 13 that is to be provided from funds made available to the
 14 State under this Act shall provide to the State, in the ap-
 15 plication requesting assistance—

16 “(1) an assurance that the local educational
 17 agency is in compliance with the State law required
 18 by subsection (b); and

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

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

23 “(B) the number of students expelled from
 24 the school; and

1 “(C) the type of illegal drugs, illegal drug
2 paraphernalia, or firearms concerned.

3 “(e) REPORT TO SECRETARY.—Each State shall re-
4 port the information described in subsection (d) to the
5 Secretary on an annual basis.

6 “(f) REPORT TO CONGRESS.—Not later than two
7 years after the date of enactment of the Safe Schools Act
8 of 1999, the Secretary shall report to Congress with re-
9 spect to any State that is not in compliance with the re-
10 quirements of this part.

11 **“SEC. 14602. POLICY REGARDING CRIMINAL JUSTICE SYS-**
12 **TEM REFERRAL.**

13 “(a) IN GENERAL.—No funds shall be made available
14 under this Act to any local educational agency unless the
15 agency has a policy requiring referral, to the criminal jus-
16 tice or juvenile delinquency system, of any student who
17 is in possession of an illegal drug, or illegal drug para-
18 phernalia, on school property under the jurisdiction of, or
19 on a vehicle operated by an employee or agent of, the
20 agency, or who brings a firearm to a school under the ju-
21 risdiction of the agency.

22 “(b) DEFINITIONS.—For the purpose of this section,
23 the term ‘school’ has the meaning given the term in sec-
24 tion 921(a) of title 18, United States Code.

1 **“SEC. 14603. DATA AND POLICY DISSEMINATION UNDER**
2 **IDEA.**

3 “The Secretary shall—

4 “(1) widely disseminate the policy of the De-
5 partment, in effect on the date of enactment of the
6 Safe Schools Act of 1999, with respect to disciplin-
7 ing children with disabilities;

8 “(2) collect data on the incidence of children
9 with disabilities (as the term is defined in section
10 602 of the Individuals With Disabilities Education
11 Act (20 U.S.C. 1401)) possessing illegal drugs, or il-
12 legal drug paraphernalia, on school property under
13 the jurisdiction of, or on a vehicle operated by an
14 employee or agent of, a local educational agency, en-
15 gaging in life threatening behavior at school, or
16 bringing firearms to schools; and

17 “(3) not later than 1 year after the date of en-
18 actment of the Safe Schools Act of 1999, prepare
19 and submit to Congress a report analyzing the
20 strengths and problems with the approaches regard-
21 ing disciplining children with disabilities.

22 **“SEC. 14604. DEFINITIONS.**

23 “In this part:

24 “(1) FIREARM.—The term ‘firearm’ has the
25 meaning given the term in section 921(a) of title 18,
26 United States Code.

1 “(2) ILLEGAL DRUG.—

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

9 “(B) EXCLUSION.—The term ‘illegal drug’
10 does not mean a controlled substance used pur-
11 suant to a valid prescription or as authorized by
12 law.

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

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

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