

106TH CONGRESS
1ST SESSION

S. 969

To amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have weapons or threaten to harm others, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 5, 1999

Mr. ASHCROFT introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Individuals with Disabilities Education Act and the Gun-Free Schools Act of 1994 to authorize schools to apply appropriate discipline measures in cases where students have weapons or threaten to harm others, 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 Safety Act of
5 1999”.

1 **SEC. 2. AMENDMENTS TO THE INDIVIDUALS WITH DISABIL-**
 2 **ITIES EDUCATION ACT.**

3 (a) PLACEMENT IN ALTERNATIVE EDUCATIONAL
 4 SETTINGS.—Section 615(k) of the Individual with Disabil-
 5 ities Education Act (20 U.S.C. 1415(k)) is amended—

6 (1) in paragraph (1)(A)(ii), by striking “45
 7 days if—” and all that follows through “(II) the
 8 child” and inserting “45 days if the child”;

9 (2) in paragraph (2), by striking “A hearing”
 10 and inserting “Except as provided in paragraph
 11 (10), a hearing”;

12 (3) by redesignating paragraph (10) as para-
 13 graph (11);

14 (4) by inserting after paragraph (9) the fol-
 15 lowing new section:

16 “(10) EXPULSION OR SUSPENSION WITH RE-
 17 SPECT TO WEAPONS.—

18 “(A) AUTHORITY OF SCHOOL PERSONNEL
 19 WITH RESPECT TO WEAPONS.—Notwithstanding
 20 any other provision of this Act, school personnel
 21 may suspend or expel a child with a disability
 22 who—

23 “(i) carries or possesses a weapon to
 24 or at a school, on school premises, or to or
 25 at a school function under the jurisdiction
 26 of a State or a local educational agency; or

1 “(ii) threatens to carry, possess, or
 2 use a weapon to or at a school, on school
 3 premises, or to or at a school function
 4 under the jurisdiction of a State or a local
 5 educational agency;

6 in the same manner in which such personnel
 7 would suspend or expel a child without a dis-
 8 ability.

9 “(B) DEFINITIONS.—For the purposes of
 10 this paragraph:

11 “(i) WEAPON.—The term ‘weapon’
 12 has the meaning given the term under ap-
 13 plicable State law.

14 “(ii) THREATENS TO CARRY, POSSESS,
 15 OR USE A WEAPON.—The term ‘threatens
 16 to carry, possess, or use a weapon’ includes
 17 behavior in which a child verbally threatens
 18 to kill another person.

19 “(C) FREE APPROPRIATE PUBLIC EDU-
 20 CATION.—

21 “(i) CEASING TO PROVIDE EDU-
 22 CATION.—A child expelled or suspended
 23 under subparagraph (A) shall not be enti-
 24 tled to continued educational services, in-
 25 cluding, but not limited to a free appro-

1 priate public education, under this Act,
2 during the term of such expulsion or sus-
3 pension, if the State in which the local
4 educational agency responsible for pro-
5 viding educational services to such child
6 does not require a child without a dis-
7 ability to receive educational services after
8 being suspended or expelled.

9 “(ii) PROVIDING EDUCATION.—Not-
10 withstanding clause (i), the local edu-
11 cational agency responsible for providing
12 educational services to a child with a dis-
13 ability who is expelled or suspended under
14 subparagraph (A) may choose to continue
15 to provide educational services to such
16 child. If the local educational agency so
17 chooses, then—

18 “(I) nothing in this Act shall re-
19 quire the local educational agency to
20 provide such child with a free appro-
21 priate public education, or any par-
22 ticular level of service; and

23 “(II) the site where the local edu-
24 cational agency provides the services

1 shall be left to the discretion of the
2 local educational agency.”.

3 (5) in paragraph (11) (as redesignated in para-
4 graph (3)), by striking subparagraph (D).

5 (b) CONFORMING AMENDMENTS.—

6 (1) Section 612(a)(1)(A) of the Individuals with
7 Disabilities Education Act (20 U.S.C.
8 1412(a)(1)(A)) is amended by inserting before the
9 period “(except as provided in section 615(k)(10))”.

10 (2) Section 615(f)(1) of the Individuals with
11 Disabilities Education Act (20 U.S.C. 1415(f)(1)) is
12 amended by inserting at the beginning of the first
13 sentence “Except as provided in section
14 615(k)(10),”.

15 **SEC. 3. AMENDMENT TO THE GUN-FREE SCHOOLS ACT OF**
16 **1994.**

17 Subsection (c) of section 14601 of the Gun-Free
18 Schools Act of 1994 (20 U.S.C. 8921) is amended to read
19 as follows:

20 “(c) SPECIAL RULE.—Notwithstanding any other
21 provision of this section, this section shall be subject to
22 section 615(k)(10) of the Individual with Disabilities Edu-
23 cation Act (20 U.S.C. 1415(k)(10)).”.

○