

108TH CONGRESS
1ST SESSION

H. R. 863

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

FEBRUARY 13, 2003

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 2003”.

1 **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 “(10) DISCIPLINE WITH REGARD TO WEAP-
11 ONS.—

12 “(A) 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,

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

5 “(B) RULE OF CONSTRUCTION.—Nothing
6 in subparagraph (A) shall be construed to pre-
7 vent a child with a disability who is disciplined
8 pursuant to the authority provided under sub-
9 paragraph (A) from asserting a defense that
10 the carrying or possession of the weapon, or the
11 possession of an illegal drug or sale or sollicita-
12 tion of the sale of a controlled substance, was
13 unintentional or innocent.

14 “(C) FREE APPROPRIATE PUBLIC EDU-
15 CATION.—

16 “(i) CEASING TO PROVIDE EDU-
17 CATION.—Notwithstanding section
18 612(a)(1)(A), a child expelled or suspended
19 under subparagraph (A) shall not be enti-
20 tled to continue educational services, in-
21 cluding a free appropriate public edu-
22 cation, under this title, during the term of
23 such expulsion or suspension, if the State
24 in which the local educational agency re-
25 sponsible for providing educational services

1 to such child does not require a child with-
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 serv-
13 ices—

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-
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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