

107TH CONGRESS
1ST SESSION

H. R. 651

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 14, 2001

Mr. GRAVES 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 “Safe Classrooms Act
5 of 2001”.

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 CERTAIN
11 DANGEROUS BEHAVIOR.—

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,

21 “(ii) knowingly possesses or uses ille-
22 gal drugs or sells or solicits the sale of a
23 controlled substance at a school, on school
24 premises, or to or at a school function,
25 under the jurisdiction of a State or a local
26 educational agency, or

1 “(iii) commits an aggravated assault
2 or battery (as defined under State or local
3 law) at a school, on school premises, or at
4 a school function, under the jurisdiction of
5 a State or a local educational agency,
6 in the same manner in which such personnel
7 may discipline a child without a disability, con-
8 sistent with State and local law. Such personnel
9 may modify the disciplinary action on a case-by-
10 case basis.

11 “(B) RULE OF CONSTRUCTION.—Nothing
12 in subparagraph (A) shall be construed to pre-
13 vent a child with a disability who is disciplined
14 pursuant to the authority provided under clause
15 (i) or (ii) of subparagraph (A) from asserting a
16 defense that the carrying or possession of the
17 weapon, or that the possession or use of the il-
18 legal drugs (or sale or solicitation of the con-
19 trolled substance), as the case may be, was un-
20 intentional or innocent.

21 “(C) FREE APPROPRIATE PUBLIC EDU-
22 CATION.—

23 “(i) CEASING TO PROVIDE EDU-
24 CATION.—Notwithstanding any other pro-
25 vision of Federal law, a child expelled or

1 suspended under subparagraph (A) shall
2 not be entitled to continue educational
3 services, including a free appropriate pub-
4 lic education, required under Federal law
5 during the term of such expulsion or sus-
6 pension, if the State in which the local
7 educational agency responsible for pro-
8 viding educational services to such child
9 does not require a child without a dis-
10 ability to receive educational services after
11 being expelled or suspended.

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

22 “(I) nothing in any other provi-
23 sion of law shall require the local edu-
24 cational agency to provide such child

1 with any particular level of service;
2 and

3 “(II) the location where the local
4 educational agency provides the serv-
5 ices shall be left to the discretion of
6 the local educational agency.

7 “(D) RELATIONSHIP TO OTHER REQUIRE-
8 MENTS.—

9 “(i) PLAN REQUIREMENTS.—No agen-
10 cy shall be considered to be in violation of
11 section 612 or 613 because the agency has
12 provided discipline, services, or assistance
13 in accordance with this paragraph.

14 “(ii) PROCEDURE.—Actions taken
15 pursuant to this paragraph shall not be
16 subject to the provisions of this section,
17 other than this paragraph.”

18 (b) CONFORMING AMENDMENTS.—(1) Section
19 615(f)(1) of the Individuals with Disabilities Education
20 Act (20 U.S.C. 1415(f)(1)) is amended by striking
21 “Whenever” and inserting the following: “Except as pro-
22 vided in section 615(k)(10), whenever”.

23 (2) Section 615(k)(1)(A)(ii) of the Individuals with
24 Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii))
25 is amended in the matter preceding subclause (I) by in-

1 setting before “to an appropriate interim educational set-
2 ting” the following: “except as provided in paragraph
3 (10),”.

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