

AMENDMENT TO H.R. 1501
OFFERED BY MR. NORWOOD OF GEORGIA

At the end of the bill, add the following (and make such technical and conforming changes as may be appropriate):

1 **SEC. ____ . AMENDMENTS TO THE INDIVIDUALS WITH DIS-**
2 **ABILITIES 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 follow-
9 ing:

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

12 “(A) AUTHORITY OF SCHOOL PERSON-
13 NEL.—Notwithstanding any other provision of
14 this Act, school personnel may discipline (in-
15 cluding expel or suspend) a child with a disabili-
16 ty who carries or possesses a weapon to or at
17 a school, on school premises, or to or at a
18 school function, under the jurisdiction of a
19 State or a local educational agency, in the same

1 manner in which such personnel may discipline
2 a child without a disability. Such personnel may
3 modify the disciplinary action on a case-by-case
4 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 was
11 unintentional or innocent.

12 “(C) FREE APPROPRIATE PUBLIC EDU-
13 CATION.—

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

1 out a disability to receive educational serv-
2 ices after being expelled or suspended.

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

13 “(I) nothing in this title shall re-
14 quire the local educational agency to
15 provide such child with a free appro-
16 priate public education, or any par-
17 ticular level of service; and

18 “(II) the location where the local
19 educational agency provides the serv-
20 ices shall be left to the discretion of
21 the local educational agency.

22 “(D) RELATIONSHIP TO OTHER REQUIRE-
23 MENTS.—

24 “(i) PLAN REQUIREMENTS.—No agen-
25 cy shall be considered to be in violation of

1 section 612 or 613 because the agency has
2 provided discipline, services, or assistance
3 in accordance with this paragraph.

4 “(ii) PROCEDURE.—Actions taken
5 pursuant to this paragraph shall not be
6 subject to the provisions of this section,
7 other than this paragraph.”.

8 (b) CONFORMING AMENDMENTS.—(1) Section
9 615(f)(1) of the Individuals with Disabilities Education
10 Act (20 U.S.C. 1415(f)(1)) is amended by striking
11 “Whenever” and inserting the following: “Except as pro-
12 vided in section 615(k)(10), whenever”.

13 (2) Section 615(k)(1)(A)(ii) of the Individuals with
14 Disabilities Education Act (20 U.S.C. 1415(k)(1)(A)(ii))
15 is amended by striking “but for not more than 45 days
16 if—” and all that follows through “(II) the child know-
17 ingly possesses or uses illegal drugs” and inserting “but
18 for not more than 45 days if the child knowingly possesses
19 or uses illegal drugs”.