

#8

AMENDMENT OFFERED BY MR. NORWOOD TO THE

A M E N D M E N T

IN THE NATURE OF A SUBSTITUTE

OFFERED BY MR. GOODLING

~~Page IV - 52, after line 2, add the following~~
~~Page VI - 54, after line 21, insert the following:~~

~~14016~~ 4148

1 "SEC. ~~1516~~ DISCIPLINE OF CHILDREN WITH DISABILITIES
2 WHO CARRY OR POSSESS WEAPONS.

3 " (a) AUTHORITY OF SCHOOL PERSONNEL.-Each
4 State receiving funds under this Act shall require each
5 local educational agency to have in effect a policy under
6 which school personnel of such agency may discipline (in-
7 cluding expel or suspend) a child with a disability who car-
8 ries or possesses a weapon to or at a school, on school
9 premises, or to or at a school function, under the jurisdic-
10 tion of a State or a local educational agency, in the same
11 manner in which such personnel may discipline a child
12 without a disability. Such personnel may modify the dis-
13 ciplinary action on a case-by-case basis.

14 "(b) RULE OF CONSTRUCTION.-Nothing in sub-
15 section (a) shall be construed to prevent a child with a
16 disability who is disciplined pursuant to the authority pro-
17 vided under subsection (a) from asserting a defense that
18 the carrying or possession of the weapon was unintentional
19 or innocent.

1 “ (c) FREE APPROPRIATE PUBLIC EDUCATION-
2 ” (1) CEASING TO PROVIDE EDUCATION.—Not-
3 withstanding any other provision of Federal law, a
4 child expelled or suspended.. under subsection (a)
5 shall not be entitled to continue educational services,
6 including a free appropriate public education, re-
7 quired under Federal law during the term of such
8 expulsion or suspension, if the State in which the
9 local educational agency responsible for providing
10 educational services to such child does not require a
11 child without a disability to receive educational serv-
12 ices after being expelled or suspended.

13 “ (2) PROVIDING EDUCATION.-Notwithstanding
14 paragraph (1), the local educational agency respon-
15 sible for providing educational services to a child
16 with a disability who is expelled or suspended under
17 paragraph (1) may choose to continue to provide
18 educational services or mental health services to
19 such child. If the local educational agency so chooses
20 to continue to provide the services-

21 “ (A) nothing in any other provision of
22 Federal law shall require the local educational
23 agency to provide such child with any particular
24 level of service; and

1 “(B) the location where the local edu-
2 cational agency provides the services shall be
3 left to the discretion of the local educational
4 agency.

5 “(d) For purposes of this section, the term ‘weapon’
6 has the meaning given the term ‘dangerous weapon’ under
7 paragraph (2) of subsection (g) of section 930 of title 18,
8 United States Code.“.