

103^D CONGRESS
2^D SESSION

H. R. 4395

To the Individuals with Disabilities Education Act to provide that the requirement regarding the continued educational placement of children with disabilities in public schools during the pendency of certain proceedings shall not apply with respect to disciplinary proceedings against those children for possession of firearms.

IN THE HOUSE OF REPRESENTATIVES

MAY 11, 1994

Ms. SCHENK introduced the following bill; which was referred to the
Committee on Education and Labor

A BILL

To the Individuals with Disabilities Education Act to provide that the requirement regarding the continued educational placement of children with disabilities in public schools during the pendency of certain proceedings shall not apply with respect to disciplinary proceedings against those children for possession of firearms.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. NONAPPLICABILITY OF REQUIREMENT RE-**
2 **GARDING CONTINUED EDUCATIONAL PLACE-**
3 **MENT OF CHILDREN WITH DISABILITIES**
4 **DURING DISCIPLINARY PROCEEDINGS FOR**
5 **POSSESSION OF FIREARMS.**

6 (a) IN GENERAL.—Section 615(e)(3) of the Individ-
7 uals with Disabilities Education Act (20 U.S.C.
8 1415(e)(3)) is amended—

9 (1) by striking “(3) During the pendency” and
10 inserting “(3)(A) Except as provided in subpara-
11 graph (B), during the pendency”; and

12 (2) by adding at the end the following new sub-
13 paragraphs:

14 “(B) The requirement contained in subparagraph (A)
15 regarding the maintenance of a child with a disability in
16 the current educational placement of such child shall not
17 apply with respect to a disciplinary proceeding against
18 such child for possession of a firearm.

19 “(C) Nothing in this section shall be construed to re-
20 lieve a State or local educational agency of an obligation
21 under the Act to provide an education to individuals with
22 disabilities.”.

23 (b) EFFECTIVE DATE.—The amendments made by
24 subsection (a) apply with respect to a disciplinary proceed-
25 ing commenced on or after the date of the enactment of
26 this Act.

