

ENROLLMENT(S)



(5)

COUNCIL OF THE DISTRICT OF COLUMBIA

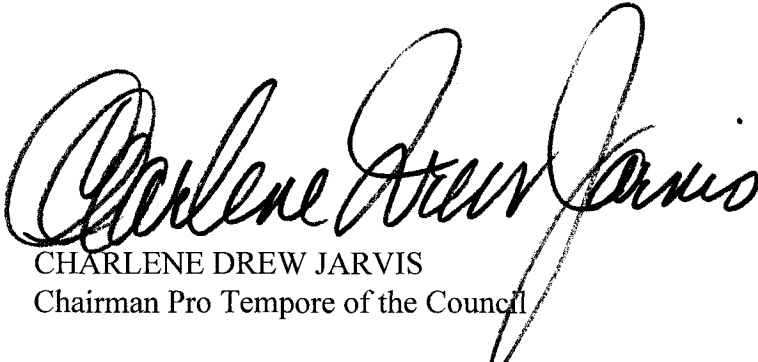
NOTICE

D.C. LAW 11- 173

"Expulsion of Students Who Bring Weapons Into Public Schools Temporary Act of 1996".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 11-539, on first and second readings, June 4, 1996 and July 3, 1996, respectively. Following the signature of the Mayor on July 19, 1996, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-322, and published in the August 23, 1996, edition of the D.C. Register (Vol. 43 page 4497) and transmitted to Congress on January 10, 1997 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-173, effective April 9 1997.



CHARLENE DREW JARVIS
Chairman Pro Tempore of the Council

Dates Counted During the 30-day Congressional Review Period:

Feb. 3,4,5,6,7,10,11,12,13,24,25,26,27,28
Mar. 3,4,5,6,10,11,12,13,14,17,18,19,20,21
Apr. 7,8

AN ACT

D.C. ACT 11-322

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 19, 1996

To require, on a temporary basis, the expulsion, for not less than 1 year, of any student who brings a weapon into a District of Columbia public school, absent extenuating circumstances as determined on a case-by-case basis by the Superintendent of Schools, and consistent with the Individuals With Disabilities Education Act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Expulsion of Students Who Bring Weapons Into Public Schools Temporary Act of 1996".

Sec. 2.(a) Absent extenuating circumstances, as determined on a case-by-case basis by the Superintendent of Schools, and consistent with the Individuals With Disabilities Education Act, approved October 30, 1990 (104 Stat. 1141; 20 U.S.C. §1400 *et seq.*), any student who brings a weapon into a District of Columbia Public School shall be expelled for not less than 1 year.

(b) Pursuant to the Gun-Free Schools Act of 1994, approved October 20, 1994 (108 Stat. 3908; 20 U.S.C. 8921 *et seq.*), the Superintendent of Schools shall refer to the criminal justice or juvenile delinquency system, simultaneous with expulsion, any student who is expelled for bringing a weapon into a District of Columbia public school.

(c) The Board of Education shall provide to any student who is expelled from school in accordance with this act an alternative educational program at the D.C. Street Academy, at another existing alternative educational program, or at any alternative educational program that may be established in the future. Not later than 90 days after the effective date of this act:

(1) The Mayor and the Board of Education shall submit a report to the Council delineating a comprehensive plan for providing alternative educational services to a student who has been expelled from a District of Columbia public school setting.

(2) The comprehensive plan shall include a description of the alternative education services to be provided to an expelled student, each location where the alternative

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education services shall be provided, and the estimated annual cost of providing the alternative education services.

(d)(1) For the purposes of this act, the term "weapon" means a firearm and includes:

- (A) Any weapon, including a starter gun, which will, or is designed to or may readily be converted to expel a projectile by the action of an explosive;
- (B) The frame or receiver of any weapon described in this paragraph;
- (C) Any firearm muffler or firearm silencer;
- (D) Any destructive device; the term "destructive device" means:
 - (i) Any explosive, incendiary, or poison gas;
 - (ii) Bomb;
 - (iii) Grenade;
 - (iv) Rocket having a propellant charge of more than 4 ounces;
 - (v) Missile having an explosive or incendiary charge of more than a 1/4 ounce;
 - (vi) Mine; or
 - (vii) Any similar device.

(E) Any type of weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than 1/2 an inch in diameter; and

(F) Any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraphs (D) and (E) of this paragraph and from which a destructive device may be readily assembled.

(2) The term "weapon" shall not include:

- (A) An antique firearm;
- (B) Any device which is neither designed nor redesigned for use as a weapon; or
- (C) Any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device.

Sec. 3. This act incorporates by reference Section VIII., "Fiscal Impact", and Section X., "Committee Action (May 6, 1996) and Additional Committee Reasoning", of the Report of the Committee on Education and Libraries on Bill 11-540, the "Expulsion of Students Who Bring Weapons Into D.C. Schools Act of 1996".

Sec. 4. (a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), and a 30-day period of

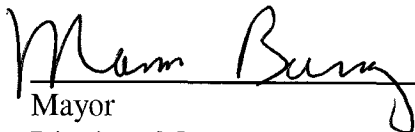
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Congressional review as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: July 19, 1996



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-539

Docket No. _____

[] ITEM ON CONSENT CALENDAR

[X] ACTION & DATE ADOPTED FIRST READING, 6-4-96

[X] VOICE VOTE APPROVED
RECORDED VOTE ON REQUEST

ABSENT BRAZIL, EVANS, LIGHTFOOT AND SMITH

[] ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

July 11, 1996
Date

[X] ITEM ON CONSENT CALENDAR

[X] ACTION & DATE ADOPTED FINAL READING, 7-3-96

[X] VOICE VOTE APPROVED
RECORDED VOTE ON REQUEST CHAVOUS

ABSENT _____

[] ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X-indicates no AB-Absent NV-Present not voting

CERTIFICATION RECORD

[Signature]
Secretary to the Council

July 11, 1996
Date

[] ITEM ON CONSENT CALENDAR

[] ACTION & DATE _____

[] VOICE VOTE _____
RECORDED VOTE ON REQUEST

ABSENT _____

[] ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote AB - Absent NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date