

## LEXSTAT 20 USC 7151

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\*\*\* CURRENT THROUGH P.L. 109-280, APPROVED 8/17/2006 \*\*\*

TITLE 20. EDUCATION  
CHAPTER 70. STRENGTHENING AND IMPROVEMENT OF ELEMENTARY AND SECONDARY SCHOOLS  
21ST CENTURY SCHOOLS  
SAFE AND DRUG-FREE SCHOOLS AND COMMUNITIES  
GUN POSSESSION

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*20 USCS § 7151*

§ 7151. Gun-free requirements

(a) Short title. This subpart [this section] may be cited as the "Gun-Free Schools Act".

(b) Requirements.

(1) In general. Each State receiving Federal funds under any title of this Act [20 USCS §§ 6301 et seq.] shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.

(2) Construction. Nothing in this subpart [this section] shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

(3) Definition. For the purpose of this section, the term "firearm" has the same meaning given such term in *section 921(a) of title 18, United States Code*.

(c) Special rule. The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act [20 USCS §§ 1400 et seq.].

(d) Report to State. Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under any title of this Act [20 USCS §§ 6301 et seq.] shall provide to the State, in the application requesting such assistance—

- (1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and
- (2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—
  - (A) the name of the school concerned;
  - (B) the number of students expelled from such school; and
  - (C) the type of firearms concerned.

(e) Reporting. Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

(f) Definition. For the purpose of subsection (d), the term "school" means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.

(g) Exception. Nothing in this section shall apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.

(h) Policy regarding criminal justice system referral.

(1) In general. No funds shall be made available under any title of this Act [20 USCS §§ 6301 et seq.] to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

(2) Definition. For the purpose of this subsection, the term "school" has the same meaning given to such term by *section 921(a) of title 18, United States Code*.

**HISTORY:**

(April 11, 1965, P.L. 89-10, Title IV, Part A, Subpart 3, § 4141, as added Jan. 8, 2002, P.L. 107-110, Title IV, § 401, 115 Stat. 1762.)

**HISTORY; ANCILLARY LAWS AND DIRECTIVES**

Effective date of section:

This section took effect on January 8, 2002, subject to certain exceptions, pursuant to § 5 of Act Jan. 8, 2002, P.L. 107-110, which appears as 20 USCS § 6301 note.

**NOTES:**

Research Guide:

Am Jur:

*68 Am Jur 2d, Schools § 332.*

Annotations:

Construction and Application of No Child Left Behind Act, Pub. L. No. 107-110, 115 Stat. 1425 (2002) (codified at 20 U.S.C.A. §§ 6301 et seq. [20 USCS §§ 6301 et seq.]). *4 ALR Fed 2d 103.*

Interpretive Notes and Decisions:

There is no basis for private suit under 42 USCS § 1983 arising from Gun-Free Schools Act, 20 USCS § 8921. *Niziol v Dist. Sch. Bd. of Pasco County (2002, MD Fla) 240 F Supp 2d 1194.*