

CODE C5
(formerly F21)

Date Warned _____

Date Adopted 11-24-09

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Date Revised _____

(Mandatory)

WEAPONS

Policy

It is the policy of the Board to comply with the federal Gun Free Schools Act of 1994, and 16 V.S.A. §1166 requiring school districts to provide for the possible expulsion of students who bring weapons to school. It is further the intent of the Board to maintain a student discipline system consistent with the requirements of the federal Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Vermont State Board of Education rules.

Definitions

1. For the purposes of this policy, the terms “weapon” and “school”, and “expelled” shall have the following meanings:
 - o **Weapon** means a firearm as defined in Section 921 of Title 18 of the United States Code and 13 V.S.A. §4016, including:
 - any weapon whether loaded or unloaded which will or is designed to or may readily be converted to expel a projectile by the action of an explosive
 - the frame or receiver of any weapon described above
 - any firearm muffler or firearm silencer
 - any explosive, incendiary or poison gas
 - bomb
 - grenade
 - rocket having a propellant charge of more than four ounces
 - missile having an explosive or incendiary charge of more than one quarter ounce
 - mine, or
 - similar device
 - any 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 one-half inch in diameter
 - any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately

preceding examples and from which a destructive device may be readily assembled.

- Any other weapon, device, instrument, material or substance whether animate or inanimate, which in the manner it is used or is intended to be used, is known to be capable of producing death or serious bodily injury.
- **School** means any setting which is under the control and supervision of the School District. It includes school grounds, facilities, school-sponsored events whether held on or off of school grounds and vehicles used to transport students to and from school or school activities.
- **Expelled** means the termination for at least a calendar year of educational services to a student. At the discretion of the Board and administration, an expelled student may be afforded limited educational services at a site other than the school during the period of expulsion under this policy.

Sanctions

Any student who brings a weapon to school shall be brought by the Superintendent to the School Board for an expulsion hearing.

A student found by the Board after a hearing to have brought a weapon to school shall be expelled for at least one calendar year. However, the Board may modify the expulsion on a case by case basis when it finds circumstances such as, but not limited to:

1. The student was unaware that he or she had brought a weapon to school.
2. The student did not intend to use the weapon to threaten or endanger others.
3. The student is disabled and the misconduct is related to the disability.
4. The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the pupil.

An expulsion hearing conducted under this policy shall afford due process as required by law. In addition, any student who brings a weapon to school shall be referred to a law enforcement agency.

As required by state law, the Superintendent shall annually provide the Commissioner of Education with descriptions of the circumstances surrounding expulsions imposed under this policy, the number of students expelled and the type of weapons involved.

Legal Reference(s): 16 V.S.A. §1166 (State law pursuant to Federal law)
13 V.S.A. §§4004, 4016 (Criminal offenses)
20 U.S.C. §8921 (Gun Free Schools Act of 1994)
18 U.S.C. §921 (Federal definition of firearms)
20 U.S.C. §§1400 et seq. (IDEA)
29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973)
Vt. State Board of Education Manual of Rules & Practices, §§4311, 4312

Cross Reference: Interrogations or Searches of Students (F5)
Search and Seizure (F3)
Student Conduct and Discipline (F1)