

POLICY C5: FIREARMS, DESTRUCTIVE DEVICES, AND WEAPONS

Firearms and Destructive Devices

It is the policy of the district to comply with the federal Gun Free Schools Act of 1994 and state law requiring school districts to provide for the possible expulsion of students who bring firearms to or possess firearms at 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. ***“Firearm”*** means a firearm as defined in Section 921 of Title 18 of the United States Code and 13 V.S.A. §4016, including: (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 such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. A firearm that is for activities approved and authorized by the School District shall not be considered a firearm for the purposes of this policy if the appropriate safeguards to ensure safety as adopted by the District are followed.⁵
2. ***“Destructive Device”*** means (A) any explosive, incendiary or poison gas device, including but not limited to a
 - (i) bomb,
 - (ii) grenade,
 - (iii) rocket having a propellant charge of more than four ounces,
 - (iv) missile having an explosive or incendiary charge of more than one quarter ounce,
 - (v) mine, or
 - (vi) similar device. (B) any type of weapon that will, or that 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. (C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.
3. ***“School”*** means any setting which is under the control and supervision

of the School District for the purposes of student activities approved and authorized by the School District. It includes school grounds, facilities, and school- sponsored events whether held on or off of school grounds and vehicles used to transport students to and from school or school activities.

4. ***“Expelled”*** means. Unless modified by the Board pursuant to Board policy, the termination for at least a calendar year of educational services to a student.

Sanctions

Any student who brings a firearm to school, or who possesses a firearm at 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 firearm 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 firearm to school.
2. The student did not intend to use the firearm 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.

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.

Policy Implementation

An expulsion hearing conducted under this policy shall afford due process as required by law and according to procedure developed by the Superintendent or his or her designee.

The Superintendent shall refer to appropriate law enforcement agency any student who brings a firearm or destructive device to a school under the control and supervision of the School District. The Superintendent may also report any incident subject to this policy to the Department of Social and Rehabilitative Services.

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 firearms involved.

Weapons

It is the policy of the district to prohibit the possession by students of knives, weapons or dangerous instruments, as defined by administrative rules, at school and shall allow disciplinary action up to and including expulsion for violations of the prohibition against knives, weapons and dangerous instruments. Behavioral expectations, and the consequences of misconduct, will be stated in the student handbook and/or other publications distributed to students and parents/guardians.

Definitions

1. **“Knife”** means any instrument that is capable of ready use as a stabbing weapon that may inflict bodily injury.
2. **“Weapon”** means a device, instrument, material or substance whether animate or inanimate which when used in the manner it is intended to be used, is known to be capable of producing death or bodily injury.
3. **“School”** means any setting which is under the control and supervision of the School District for the purposes of student activities approved and authorized by the School District.. It includes school grounds, facilities, and school-sponsored events whether held on or off of school grounds and vehicles used to transport students to and from school or school activities.
4. **“Expelled”** means termination of educational services for the remainder of the school year or up to 90 school days, whichever is longer.

Procedures shall be established by the principal for allowing items that fall under any of the definitions of this policy into school for educational purposes.

Date Warned: March 9th 2020

Date Adopted: April 13th 2020

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. §7151(Gun Free Schools Act)

18 U.S.C. §921 (Gun Free School Zones Act of 1990)

20 U.S.C. §§1400 et seq.(IDEA)

29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973)

Cross Reference: Vt. State Board of Education Manual of Rules & Practices, §§4311, 4312
Student Conduct and Discipline