

COLCHESTER SCHOOL DISTRICT

POLICY: WEAPONS POLICY

DATE ADOPTED: September 19, 2017

PURPOSE

It is the intent of the Colchester School District to comply with the federal Gun-Free Schools Act of 1994 and state laws, requiring school districts to take appropriate disciplinary action including possible expulsion or long-term suspension of students who bring to school or possess at school firearms and/or weapons. It is further the intent of the Board to expand the category of prohibited weapons pursuant to state law, and as defined by this policy. Additionally, it is 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.

I. CONDUCT PROHIBITED

It is a violation of this policy for any student at any time to possess or bring a weapon: to school; on school grounds (including parking lots and cars in parking lots); on school buses or other vehicles used to transport students to/from school and school activities; and/or at school functions, whether held on school property or at another school sanctioned site. The School Board shall take appropriate disciplinary action against any student who violates this policy in accordance with the provisions of this policy.

II. DEFINITIONS

- A.** “Firearm” shall mean items and devices defined as “firearms” in 18 U.S.C. §921, including, but not limited to:
- 1.** Any weapon (including a starter pistol, BB, and pellet gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, or other propellant;
 - 2.** The frame or receiver of any weapon described in 1 above; or
 - 3.** Any firearm muffler or firearm silencer.
 - 4.** Any destructive device, including explosives, incendiaries, or poison gas, including but not limited to the following:
 - a.** A bomb;
 - b.** A grenade;

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- c. A rocket having a propellant charge of more than four ounces;
 - d. A missile having an explosive or incendiary charge of more than one-quarter ounce;
 - e. A mine; or
 - f. A device similar to the above-described devices; or
 - g. Any combination of parts designed or intended for use in converting any device into any destructive device described above and from which a destructive device may be readily assembled.
- B.** “Weapon” shall mean any device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. This includes items such as knives, “brass knuckles”, switch blade/butterfly/and other types of knives, chains, clubs, and stars, poison or other toxic materials, etc. as well as items usually designed or used for another purpose, but that are capable of inflicting serious bodily harm, if used in an aggressive, belligerent or threatening manner, such as scissors, compasses, or a two by four.
- C.** “Weapon” shall also mean a hoax device, so designed, assembled, fabricated or manufactured as to convey the physical appearance of an explosive or incendiary bomb, or of any of the devices listed in subparagraph II-A 1-4 of this paragraph.

III. PROCEDURES

A. Confiscation of the Firearm and/or Weapon

Administrators or other delegated school officials will exercise judgment and caution, using law enforcement if necessary, to confiscate any article identified as a weapon under this policy. Any such actions should be taken so as to minimize the risk of further endangering self or others.

B. Notification of Law Enforcement

Where a student brings to school or possesses at school a firearm and/or weapon, school officials shall immediately refer the student to a law enforcement agency.

C. Disciplinary Proceedings

1. Any student who brings a weapon to or possesses a weapon at school shall be referred by the Superintendent to the School Board for appropriate disciplinary action including, but not limited to, expulsion or long-term suspension.
2. A hearing conducted by the School Board under this policy shall afford due process as required by law, including but not limited to those outlined by State Board of Education rules, as applicable.

3. The Superintendent, with the approval of the School Board following opportunity for a hearing, shall expel from the school for not less than one calendar year any student who possesses at school or brings to school a weapon as defined in Section II-A above. However, the School Board may modify the expulsion or long-term suspension on a case-by-case basis. Such modifications must be made in writing and may be granted in circumstances such as (but not limited to):
 - a. The student is unaware that they have brought a weapon to school.
 - b. The student did not intend to use the weapon to threaten or endanger others.
 - c. The student does not present an ongoing threat to others and a lengthy long-term suspension would not serve the best interests of the pupil.
 - d. The student is disabled and the misconduct is related to the disability.
4. The Superintendent, with the approval of the School Board following opportunity for a hearing, may impose a long-term suspension from the school for the remainder of the school year or up to 90 school days, whichever is longer, any student who possesses at school or brings to school a weapon defined in Section II-B or C above.

D. Meeting the Intent of Congress

With respect to incidents involving a weapon as defined in subparagraph II-A above, modifications on a case-by-case basis may not be used so that the overall effect is non-compliance by the Board with the one-year long-term suspension for possession of a firearm pursuant to the Gun-Free Schools Act and state law.

IV. REPORTS TO THE SECRETARY OF EDUCATION

Annually, at a time and on a form determined by the Secretary of Education, the Superintendent shall provide the Secretary with a description of the circumstances surrounding expulsions and long-term suspensions imposed under this section, the number of students who violated this policy and the type of weapons involved.

V. ALTERNATIVE EDUCATIONAL PLACEMENT

Nothing in this policy shall prohibit the Board from providing alternative educational placement to a student, at the Board's sole discretion.

VI. NOTICE TO STUDENTS AND PARENTS

The Superintendent or their designee is directed to take reasonable steps to inform students and their parents of this policy and to post notices of this policy on school property.

VII. AIDING OTHER STUDENTS

A student who in any way encourages or helps another student to bring a weapon to school or to possess a weapon at school endangers the safety of others. The District expressly prohibits any such action. No student shall knowingly or willfully cause, encourage, or aid any other student to possess, handle, or transmit any of the weapons or facsimiles of weapons listed above. A student who has been found to have violated this policy by causing, encouraging, aiding, etc. another student to violate this policy shall be dealt with in accordance with the provisions of paragraph III-C above, including being subject to expulsion or a long-term suspension.

VIII. SPECIAL EDUCATION AND SECTION 504 STUDENTS

- A.** If a student with a disability who is eligible for special education or is protected by Section 504 brings a weapon to school, the full procedures required by federal and state law shall apply. These include, but are not limited to the following:
- 1.** The School District may immediately remove the student from school for ten school days or less, use in-school discipline, or place the student in an interim alternative educational placement for up to 45 school days, pursuant to special education and 504 rules and regulations, as applicable.
 - 2.** The School District shall provide the parents a copy of the Special Education and/or Section 504 Rights.
 - 3.** If the student is eligible for special education, the Individualized Educational Program team shall convene to carry out the steps required by VDE Rule 4313, including but not limited to a determination of whether the misconduct is a manifestation of the student's disability, and a review of the student's IEP.
 - 4.** If the student is not eligible for special education but is a qualified student with a disability, as defined by Section 504 of the Rehabilitation Act of 1973, the Section 504 Team shall convene to carry out the procedures required by VDE Rule 4312 (including manifestation determination and re-evaluation).
- B.** If the misconduct is found by the IEP or 504 Team to be unrelated to the disability, the student shall be dealt with under the procedures outlined in paragraph III-C above. If a special education student is imposed a long-term suspension, the School District is required to continue to provide a free and appropriate public education to the student upon a long-term suspension as defined in State rule and federal law. If the student is a qualified student with a

disability under Section 504 and is imposed a long-term suspension, the District is not required to provide the student with educational services during the term of a long-term suspension.

- C.** If the misconduct is found to be a manifestation of the disability, the student will receive a long-term suspension. In the case of a special education student, the District may keep the student placed in the interim alternative educational placement up to forty-five days, while the IEP Team determines whether program or placement changes are required, as provided in VDE Rule 4313. The IEP Team may also prescribe corrective action/consequences which it deems appropriate to address the weapons issue under the IEP and behavior plan (if any).

If the student is a qualified student with a disability under Section 504, the Section 504 Team shall complete a Section 504 evaluation and may recommend program/placement changes, as provided in VDE Rule 4312. The Section 504 Team may also prescribe corrective action/consequences which it deems appropriate to address the weapons issue under the education program and behavior plan (if any).

- D.** If the student is a special education student, and if their parent requests a due process hearing during the 45 school day interim alternative educational placement, the interim alternative placement is the “stay put” placement during completion of all due process proceedings and subsequent appeals, if any, as provided by Rule 4313.