

# FIREARMS POLICY

## POLICY STATEMENT:

It is the policy of the St. Johnsbury School 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 School 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.

## II. DEFINITIONS:

*Firearm* as defined in Section 921 of Title 18 of the United States Code and 13 V.S.A. Paragraph 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 silencer;
- any explosive, incendiary, or poison gas;
- bomb or grenade;
- rocket having a propellant charge of more than four ounces;
- missiles having an explosive or incendiary charge of more than one quarter ounce;
- mine or similar device;
- any weapon which will or which may readily be converted to expel a projectile by the action of an explosive 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.

*School* means any setting which is under the control and supervision of the School District, including school grounds, facilities, school-sponsored events whether held on or off school grounds, non-school activities if the sanctioned behavior impacts the safety of the school, or vehicles used to transport students to and from school or school activities.

*Expelled* means the termination for at least one calendar year of educational services to a student.

## I. 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 School Board after a hearing to have brought a firearm to school shall be expelled for at least one calendar year. However, the School 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 School 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.

Employees will also be subject to District investigation and application of relevant District policies and disciplinary procedures.

#### **IV. POLICY IMPLEMENTATION:**

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

The Superintendent shall refer to appropriate law enforcement agency any student who brings a firearm to a school with recommendation to charge. The Superintendent may also report any incident subject to this policy to the Department for Children and Families.

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.

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)
	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)

**DATE WARNED: JANUARY 11, 2008**

**DATE ADOPTED: JANUARY 21, 2008**