

Southwest Vermont Regional Technical School District	WEAPONS PROHIBITION	Policy # 5086C [Required]
---	----------------------------	-------------------------------------

It is the policy of the Southwest Vermont Regional Technical School District to comply with the Federal Gun Free Schools Act of 1994, 16 V.S.A. §563 (5), and §1166, requiring school districts to provide for the expulsion of students who bring weapons (firearms) to school. It is further the intent of the Boards to expand the category of prohibited weapons pursuant to 16 V.S.A. §563 (5), §1166, and this policy. Additionally, it is the intent of the Boards 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.

1. Conduct Prohibited.

Possession and/or use of any dangerous or deadly weapon or facsimile of any dangerous or deadly weapon in any school building on school grounds or property is strictly prohibited. It is a violation of this policy, for any student to possess or bring a weapon: to school, on school grounds, on school buses, and/or at school functions, whether held on school property or at another site. The Board shall expel any student who violates this policy for one calendar year in accordance with the procedures below, except as provided for herein.

It is a violation of this policy for any student to make, issue, or communicate by any means, a threat that a dangerous or deadly weapon has been, or will be placed or used on school grounds or property. This policy is in effect before, during and after school, as well as at any school sponsored activity. This policy **does not apply** to a law enforcement officer while engaged in law enforcement duties or to weapons or facsimiles of weapons approved in advance by Director for use in technical education programs, school functions or ceremonies.

2. Definitions:

a. **Dangerous or deadly weapon** means:

1. Any knife, dagger, switchblade or, a folding knife with a blade in excess of two and one-half inches. Any folding knife with a blade less than two and one half inches, including a pocket knife and pen knife, shall be considered a dangerous or deadly weapon if it is used, threatened to be used, or possessed in a threatening manner or with the intent to cause harm to any person.

2. 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.

3. Articles designed for other purposes but which could easily be used to inflict serious bodily harm and used by a pupil in a threatening manner. Examples are files, compasses, scissors, etc. A student who uses any article capable of inflicting serious bodily harm in an aggressive, belligerent or threatening manner, shall be deemed to be in possession of a weapon.

4. Weapons as defined in Section 921 of the Federal Gun-Free Schools Act including the following:

- (a) any weapon (including a starter pistol) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, or by gas or air;
- (b) the frame or receiver of any weapon described above;
- (c) any firearm muffler or firearm silencer;
- (d) any destructive device, including explosives, incendiaries, or poison gas, including but not limited to:
 - (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, unless such destructive device is under the supervision of a teacher and used as part of the curriculum.
- (e) Any other articles readily capable of causing death or serious bodily injury. Examples are firearms, a B-B gun, pellet gun, paint ball gun, knuckles, switch blade/ butterfly/ and other types of knives, chains, clubs, stars, etc.
- (f) 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.
- (g) a hoax device, defined as any device so designed, assembled, fabricated or manufactured as to convey the physical appearance of an explosive or incendiary bomb or the physical appearance of any of the devices enumerated in subdivisions (a)-(f) of division (4) of this section, which is lacking an explosive or incendiary charge.

b. School grounds or property means: facilities, buildings, fields, and grounds areas; vehicles owned, leased or used by the District to transport students to and from school or school activities; parking lots (including vehicles in the parking lots); or any other setting which is under the permanent or temporary supervision and/or control of the School District.

3. Procedures:

- a. Administrators or other delegated school officials will exercise judgment and caution, using law enforcement if necessary, to confiscate any article previously identified as a weapon under III above. Any such actions will be carried out without further endangering self or others.
- b. Any student who brings a weapon to school shall be brought before the Board by the Superintendent for an expulsion hearing.
- c. An expulsion hearing conducted under this policy shall afford due process as required by law.
- d. The Superintendent, with the approval of the Board following opportunity for a hearing, shall

expel from the school for not less than one calendar year any student who possesses and/or brings a weapon to school. However, the school board may modify the expulsion on a case-by-case basis. Modifications may be granted in circumstances such as (but not limited to):

- (a) The pupil is unaware that he or she has brought a weapon to school.
- (b) The pupil did not intend to use the weapon to threaten or endanger others.
- (c) The pupil does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the pupil.
- (d) The pupil is disabled and the misconduct is related to the disability. In this type of situation, action of the Board shall be in accordance with federal law under the IDEA and Section 504.

e. 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 expulsion for possession of a firearm pursuant to the Federal Gun-Free Schools Act and 16 V.S.A. §1166.

f. Annually, at a time and on a form determined by the commissioner, the superintendent shall provide the commissioner with a description of the circumstances surrounding expulsions imposed under this section, the number of students expelled and the type of weapons involved.

4. Alternative Education Placement:

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

5. Notice to Students and Parents

The Director or his/her 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.

6. Notification of Law Enforcement:

1. Where possession or use of the weapon may constitute a criminal violation, school officials shall immediately notify the appropriate law enforcement agency.

2. In the event that such a weapon is observed on an individual other than a student, but not including a law enforcement officer, school officials shall immediately call the appropriate law enforcement agency pursuant to 13 V.S.A. §4004.

7. 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, use in-school discipline, or place the student in an interim alternative educational placement for ten school days or less;

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:

- (a) determine whether the misconduct is a manifestation of the student's disability in accordance with Vermont Special Education Regulation 4313.4; and
- (b) review the student's IEP and consider program and/or placement changes, including placing the student in an interim alternative educational placement for up to forty-five days;

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:

- (a) determine whether the misconduct is a manifestation of the student's disability in accordance with Vermont Special Education Regulations 4313.5 and 4313.6; and
- (b) review the student's program or placement and consider program and/or placement changes.

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 Section III above. If a special education student is expelled, the school district is required to continue to provide a free and appropriate public education to the student upon expulsion.

If the student is a qualified student with a disability under Section 504 and is expelled, the district is under no obligation to provide the student with educational services.

c. If the misconduct is found to be related to the disability, the student may not be expelled. 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. 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. The Section 504 Team may also prescribe corrective action/consequence 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 his or her parent requests a due process hearing during the 45-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.

Legal References:

13 V.S.A. §4004

16 V.S.A. §1166

Gun-Free Schools Act of 1994

Section 504 of the Rehabilitation Act of 1973

Individuals with Disabilities Education Act

18 U.S.C. §921 Definition of “Weapon”

	Date Drafted	Date Warned	Date Adopted
Southwest Vermont Regional Technical School District	12/03/07	12/17/2007	1/15/08