

Weapons on School Property/Gun-Free Schools Act

The federal Gun-Free School Zones Act prohibits any individual from knowingly possessing a firearm in a school zone. A “school zone” is defined as the grounds of a public school and the property within 1,000 feet of the public school. A “firearm” is (1) any weapon (including a starter gun) which will or is designed to or may be readily converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or silencer; or (4) any destructive device which includes any explosive, incendiary or poison gas.

For the purposes of this policy, the term “weapons” shall include in addition to “firearms” as defined above, other dangerous weapons as defined by 18 U.S.C. § 921; and RSA 159 which includes, but is not limited to, rifles, pistols, revolvers, pellet guns, BB guns, paintball guns, knives, slingshots, metallic knuckles, firecrackers, billies, stilettos, switchblade knives, sword canes, pistol canes, blackjacks, daggers, dirk knives, electronic defense weapons (as defined in RSA 159:20), aerosol self-defense spray weapons (as defined in RSA 159:20), martial art weapons (as defined in RSA 159:24), or any other substances, object or thing which, by appearance or function, is known, thought to be, or capable of producing death or serious physical injury.

Weapons are not permitted on school property at any time. Visitors, faculty, staff and students are prohibited from bringing any weapon, whether visible or concealed, into any school building including school grounds, on to school property or a school bus, or to any school-sponsored event.

A violation of this policy by any person will result in an immediate report to the principal who shall, in turn, notify the Superintendent and the police.

A student violation of this policy will result in immediate confiscation of the weapon and notice to the student’s parents or guardians. The student shall also be subject to discipline which may include suspension or expulsion from school. If a student violation involves a firearm, the School Board shall expel the student from school in accordance with RSA 193:13, III, the Prohibited Conduct Policy 5149, and in accordance with the federal Gun-Free School Zones Act. The expulsion shall continue for not less than one year subject to the Superintendent’s authority to modify the expulsion on a case-by-case basis. If a student violation involves the possession of a pellet or BB gun, rifle or paint ball gun or other weapon as defined in this policy, then the student shall face disciplinary action under the Prohibited Conduct Policy JIC-1, which may include but is not limited to suspensions and expulsions from school and/or school sponsored activities.

Pursuant to the provisions of 20 U.S.C. §7961 of the Gun-Free Schools Act, the School Board requires the Superintendent to contact local law enforcement authorities and the Division of Children and Youth Services and notify them of any student who brings a firearm or weapon on school property.

Faculty or staff who violates this Policy shall be subject to discipline, up to and including dismissal.

Members of the public who violate this policy will be reported to law enforcement authorities.

The Superintendent or designee shall have the authority, pursuant to RSA 193:13, III, the Gun-Free Schools Act, and Gun-Free School Zones Act, to grant written authorization to a student or others to possess a firearm or other weapon on school property. Any such authorization shall be requested in

writing and a parent or guardian shall also sign any such request by the student. The Superintendent or designee's authorization shall be issued in writing in advance of the possession and shall identify the student or others, the weapon or firearm, the purpose of the possession, the location on school grounds where the firearm or weapon shall be kept, and timeframes of the authorization.

Law enforcement personnel are exempt from the policy. Other individuals may be exempted by the Gun-Free School Zones Act.

Legal References:

18 U.S.C. § 921, Et seq., Firearms

20 U.S.C. § 7151, Gun-Free Schools Act

RSA 193:11, Disturbance

RSA 193-D, Safe School Zones

RSA 193:13, Suspension and Expulsion of Students

NH Code of Administrative Rules, Section Ed. 317, Standards and Procedures for Suspension and Expulsion of Pupils Including Procedures Assuring Due Process

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