

## **Students**

### **Weapons and Dangerous Instruments**

The Amity Regional School District No. 5 (District) Board of Education (Board) has determined that possession, concealment, and/or use of a weapon by a student is detrimental to the welfare and safety of the students and school personnel within the district. Possession and/or use of any weapon, including martial arts weapons and deadly weapons, dangerous instrument, firearm, or destructive device in any school building on school grounds, in any school vehicle, or at any school-sponsored activity is prohibited.

A “weapon” means any BB gun, any blackjack, any metal or brass knuckles, any police baton or nightstick, any dirk knife or switch knife, any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches (1½”) in length, any stiletto, any knife the edged portion of the blade of which is four (4) inches and over in length, any martial arts weapon or electronic defense weapon, or any other dangerous or deadly weapon or instrument, unless permitted by law under Connecticut General Statute § 29-38.

A “martial arts weapon” means a nunchaku, kama, kasari-fundo, octagon sai, tonfa, or Chinese star.

A “dangerous instrument” means any instrument, article, or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a “vehicle.” A “deadly weapon” means any weapon, whether loaded or unloaded, from which a shot may be discharged, or a switchblade knife, gravity knife, billy, blackjack, bludgeon or metal knuckles. It may also include pellet guns and/or air soft pistols.

“Firearm”, as defined in 18 U.S.C. §921, means a) any weapon (including a starter gun) that will, is designed to, or may be readily converted to expel a projectile by the action of an explosive, b) the frame or receiver of any such weapon, c) a firearm muffler or silencer, or d) any destructive device. (A firearm; currently defined by 18 U.S.C. 921, is any weapon that can expel a projectile by an explosive action and includes explosive devices, incendiaries, poison gases, and firearm frames, receivers, mufflers, or silencers.) A firearm, as defined by C.G.S. 53a-3 includes any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon, whether loaded or unloaded from which a shot may be discharged. The term firearm does not include an antique firearm.

“Destructive device” includes any explosive, incendiary, or poisonous gas device, including a bomb, a grenade, a rocket having a propellant charge of more than four ounces, a missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or any other similar device; or any weapon (other than a shotgun or shotgun shell which the Attorney General finds is generally recognized as particularly suited for sporting purposes) that will, or may be readily converted to, expel a projectile by explosive or other propellant, and which has a barrel with a bore of more than ½" in diameter. The term "destructive device" also includes any combination of parts either designed or intended for use in converting any device into any destructive device

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and from which a destructive device may be readily assembled. A “destructive device” does not include an antique firearm; a rifle intended to be used by the owner solely for sporting, recreational, or cultural purposes; or any device which is neither designed nor redesigned for use as a weapon.

The possession or use of any such weapon or devices will require that the proceedings for the suspension and/or expulsion of the student involved will be initiated immediately by the principal. If the student is found to have possessed a firearm or other dangerous weapon as defined in Connecticut General Statutes 53a-3 in violation of 29-35 or 53-206, in or on the real property of a school or at any school activity as defined in Connecticut General Statutes 10-233a, he/she must be expelled for one calendar year. The Board of Education or hearing board may modify the period of expulsion on a case-by-case basis. To comply with federal law, any finding of an exception shall be reduced to writing. All legal restrictions and requirements will be adhered to pertaining to special education students.

The Board shall consider a student's conduct off school grounds that is seriously disruptive of the educational process or is violative of publicized policies of the Board as grounds for expulsion.

Weapons under the control of law enforcement personnel are permitted. The Superintendent may authorize other persons to possess weapons for courses, programs and activities approved by the District and conducted on District property.

(c.f. 5131 – Conduct and Discipline)

(cf. 5145.12 – Search and Seizure)

Legal Reference: Connecticut General Statutes

[10-221](#) Boards of education to prescribe rules.

[10-233a](#) through [10-233f](#) - Expulsion as amended by PA 95-304

[53a-3](#) Definitions.

[53a-217b](#) - Possession of firearms and deadly weapons on school grounds

[53-206](#) Carrying and sale of dangerous weapons.

PA 94-221 An Act Concerning School Discipline and Safety.

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2006)

GOALS 2000: Educate America Act

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18 U.S.C. 921 Definitions.

20 U.S.C. §7961, The Gun-Free School Act, 8561 of the Every Student Succeeds Act.

Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (2006)

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117

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Students shall not possess weapons, firearms, or dangerous instruments of any kind on school grounds or buildings, nor on school buses, nor on any school-related, sponsored, recognized, or authorized activity conducted on or off school property. Weapons, firearms, and dangerous instruments include not only guns or knives, but any instrument, article, or substance which under the circumstances which it is used, or attempted or threatened to be used, is capable of causing serious physical injury. This can include, but is not limited to, motor vehicles, fireworks of any kind, or other items not commonly thought of as weapons.

Possession of or bringing such weapons, firearms, devices, or instruments on school grounds or to school activities is also a violation of criminal law, and, therefore, any violation of this regulation shall be reported immediately to the local law enforcement agency, and the parent or guardian will be notified. Students who are believed to have violated this regulation shall be subject to expulsion proceeding, as well as possible court action, and shall be expelled if there is a finding by the Board that the student did possess a deadly weapon or firearm in violation of CGS Section 53a.

Any dangerous device or weapon may be seized by an employee of the school system under the power granted to the Board of Education to maintain order and discipline in the schools and to protect the safety of students, staff, and the public.

Every employee seizing any weapon or dangerous instrument under the provisions of this regulation shall report the incident to the Building Administrator immediately and deliver the seized device to the Building Administrator, together with the name(s) of persons involved, witnesses, location and circumstances of the seizure. If it is known that a student has possession of such a device but the device has not been seized, the employee shall report the matter to the Building Administrator immediately, and the Building Administrator shall report all violations of this regulation to the Superintendent or designee, and to the local law enforcement agency.

The Building Administrator shall also take disciplinary action as he/she may determine necessary, and shall report the incident to the parents or guardian of the student by telephone or in person, and follow this notification with a letter.