

Required

**WASHINGTON CENTRAL UNIFIED
UNION SCHOOL DISTRICT**

Board of Directors' Policy

POLICY:	<u>C5</u>
WARNED:	<u>5.15.20</u>
ADOPTED:	<u>6.3.20</u>
EFFECTIVE:	<u>6.13.2020</u>

WEAPONS / FIREARMS

It is the intent of the board to comply with the federal Gun Free Schools Act of 1994, and the Vermont state laws (16 V.S.A. §1166 & §1162) requiring school districts to provide for the possible expulsion of students who bring or possess dangerous weapons or firearms at school. It is further 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.

Definitions:

This policy shall define the terms “*dangerous weapons*”, “*firearm*”, “*at school*” and “*expelled*”. However, the school board may augment the definitions, provided they remain consistent with definitions required by state and federal law.

- a. The term “*dangerous weapon*” means a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, designed for, or is readily capable of, causing death or serious bodily injury. This includes weapons that a student acquires at school or on the bus.
- b. “*Firearm*” means any weapon, whether loaded or unloaded, which will expel a projectile by the action of an explosive and includes any weapon commonly referred to as a pistol, revolver, rifle, gun, machine gun or shotgun.
- c. “*At school*” means any setting that is under the control and supervision of the school district. It includes school grounds, facilities and vehicles used to transport students to and from school or school activities.
- d. “*Expelled*” means the termination of educational services to a student for greater than 10 days, and is determined by the board.

Policy Statement

PART A: WITH REGARDS TO STUDENTS

Any student who brings to school or possesses a dangerous weapon while at school shall be brought by the superintendent to the school board for consideration of an expulsion hearing.

However, with the prior written consent of the superintendent or their designee, a student may possess a device that might be considered a dangerous weapon for a predetermined educational purpose.

If after a hearing, a student is found by the board to have brought or possessed a dangerous weapon while at school, the superintendent or principal may suspend the student for up to 10 school days, or the board may expel the student for up to the remainder of the school year, or up to 90 school days, whichever is longer, 16 V.S.A. §1162(a). Or, if after a hearing, a student is found by the board to have brought or possessed a firearm while at school, the student shall be expelled for no less than one calendar year,

16 V.S.A. §1166 (2). However, the school board may modify the expulsion on a case-by-case basis when it finds circumstances such as, but not limited to:

- a. The student was unaware that they had brought a weapon to school.
- b. The student did not intend to use the weapon or threaten or endanger others.
- c. The student is disabled and the misconduct is related to the disability.
- d. The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the student nor substantially further the goal of ensuring a safe and fear free environment.

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.

Policy Implementation

An expulsion hearing conducted under this policy shall afford due process as required by law, and as developed by the superintendent or their designee.

The superintendent may refer to the appropriate law enforcement agency any student who possesses or brings a dangerous weapon to a school under the control and supervision of the school district. The superintendent shall refer to the appropriate law enforcement agency any student who possesses or brings a firearm to a school under the control and supervision of the school district. In addition, the superintendent may report any incident subject to this policy to the Department of Children & Families.

As required by state law, the superintendent shall annually provide the Secretary of Education with descriptions of the circumstances surrounding expulsions imposed under this policy, the number of students expelled, and the type of dangerous weapons involved.

PART B: WITH REGARD TO PERSONS OTHER THAN STUDENTS

No person shall enter onto school grounds while in possession of a dangerous weapon or firearm as described above unless:

- a. The person has prior written approval from the superintendent or their designee to bring the weapon to school for authorized activities;
- b. The person is a law enforcement officer.

Legal Reference(s): 16 V.S.A. §1162 (Suspension or expulsion of pupils)
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 Schools 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