

Required

WASHINGTON CENTRAL UNIFIED UNION SCHOOL DISTRICT

Board of Directors' Policy

Weapons/Firearms

POLICY: C5

WARNED: 12.21.22

ADOPTED: 4.19.23

EFFECTIVE: 4.19.23

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
 1. 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 used, threatened to be used, or possessed in a threatening manner or with the intent to cause harm to any person.
 2. Any knife, dagger, switchblade or a folding knife with a blade in excess of two and one-half inches.
 3. Any other 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.
 4. Items 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.
- b. “Firearm/Destructive Device” means
 1. 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.

2. 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) mine; or (vi) similar device, unless such destructive device is under the supervision of a teacher and used as part of the curriculum.
- 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

Dangerous Weapons- Sanctions

No student shall knowingly possess or use a dangerous weapon at school. 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.

The principal or his/her designee shall be responsible for carrying out discipline procedures, conforming with the guidelines established in WCUUSD Policy C20; Student Conduct and Discipline, for any student who knowingly possesses or uses a dangerous weapon at school.

Firearm/destructive Device-Sanctions

No student shall possess or use a firearm or destructive device at school.

Any student who brings a firearm or destructive device to school, or who possesses a firearm or destructive device at school shall be immediately suspended and brought by the superintendent to the school board for an expulsion hearing. The principal or designee shall be responsible for carrying out discipline procedures, conforming with the guidelines established in WCUUSD Policy C20; Student Conduct and Discipline.

The superintendent shall refer to the appropriate law enforcement agency any student who brings a firearm or destructive device to a school under the control and supervision of the school district. The superintendent may also report any incident subject to this policy to the Department of Children and Families (DCF). A student found by the school board after a hearing to have brought a firearm or destructive device to school shall be expelled for at least once 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 or destructive device to school.
2. The student did not intend to use the firearm or destructive device 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 interest 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.

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 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