Policy #5312.2

GUN-FREE SCHOOLS

In accordance with the Gun-Free Schools Act of 1994, a student found guilty of bringing a firearm, as defined in Federal Law (Title 18 U.S.C. sec. 921), on to school property, after a hearing has been provided pursuant to section 3214 of the Education Law, may be subject to at least a one-year suspension from school. However, after this penalty has been determined, the Superintendent of Schools will review the penalty and may modify such suspension on a case by case basis. If the Superintendent believes after review of the totality of circumstances, that a one-year suspension is excessive he/she may modify the penalty based on criteria including but not limited to:

1. the age of the student;
2. the student's grade in school;
3. prior disciplinary record;
4. the Superintendent's belief that other forms of discipline may be more effective;
5. input from parents, staff and/or others; and
6. other extenuating circumstances.

Pursuant to the Reauthorized Individual with Disabilities Education Act, the Superintendent has the authority to immediately remove a student with a disability who carries a weapon to school or a school function from school and/or order a change in placement to an interim alternative educational setting for a period not greater than 45 days. The alternative educational setting shall be determined by the CSE. Any interim alternative setting shall be selected so as to enable the child to continue to participate in the general curriculum and continue to receive those services and modifications, including those described in the child's current IBP, that will enable the child to meet his/her IBP goals; and shall include services and modifications designed to address the targeted behavior so that it does not recur. Immediately if possible, but in no case later than ten school days after the date on which the decision to take action is made, the CSE must conduct a review of the relationship between the child's disability and the behavior subject to the disciplinary action. At this time, the CSE shall also conduct a functional behavioral assessment and implement an appropriate behavioral plan, if one has not previously been developed. If it is determined by the CSE that the act of carrying a gun to school was not a manifestation of a student's disability, the Superintendent may apply the same disciplinary action as imposed on non-disabled students.

Students will be provided a free appropriate public education despite any expulsion imposed as a result of this policy. Students with disabilities regardless of the manifestation determination must be provided ongoing educational and related services pursuant to their IBP.

It is District policy that firearms of every type and nature including but not limited to handguns, starter guns, pellet guns, rifles, shotguns and any explosive devices are prohibited from School District buildings and grounds except when carried by a duly authorized law enforcement official on school grounds or in school buildings while on official law enforcement business.

Ref: Goals: 2000, Educate America Act P.C.103-227 (Gun-Free Schools Act of 1994) 18USC Sec. 921; Reauthorization of IDEA [1997]

(Revised 12/04/97)