

**Milford School District**  
**Board Policy 5406**  
**Gun Free Schools Act Weapons Policy**

**PURPOSE**

To set forth a policy that establishes a gun free school zone in accordance with the Gun-Free Schools Act of 1994 (20 U.S.C. §7961) and 11 *Del. C.* §1457A.

**DEFINITIONS**

“Safe School Zone” Any building, structure, athletic field, sports stadium or real property owned, operated, leased or rented by the District; or any motor vehicle owned, operated, leased or rented by the District.

“Deadly Weapon” includes a firearm (any weapon from which a shot, projectile or other object may be discharged by force of combustion, explosive, gas and/or mechanical means, whether operable or inoperable, loaded or unloaded. It does not include a BB gun), a bomb, a knife of any sort (other than an ordinary pocketknife carried in a closed position), switchblade knife, billy, blackjack, bludgeon, metal knuckles, slingshot, razor, bicycle chain or ice pick or any “dangerous instrument” (any instrument, article or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury, or any disabling chemical spray or any electronic control devices including but not limited to a neuromuscular incapacitation device designed to incapacitate a person), which is used, or attempted to be used, to cause death or serious physical injury. For the purpose of this definition, an ordinary pocketknife shall be a folding knife having a blade not more than 3 inches in length.

“Firearm” is defined in Section 921 of Title 18, United States code.

"Gun Free Schools Violation" shall mean students are prohibited from bringing a Firearm into a Safe School Zone, or Possession of a Firearm while in a Safe School Zone.

**POLICY STATEMENT**

The Board of Education of the Milford School District (“Board”) supports Delaware’s establishment of a gun free school zone and prohibits possession of a Firearm or other Deadly Weapon while in or on a Safe School Zone in compliance with the Gun-Free Schools Act of 1994 and 11 *Del.C.* §1457A.

The District prohibits any person from bringing, possessing, or transferring a Firearm or

Deadly Weapon in a Safe School Zone, including those individuals who have a permit to carry a concealed weapon.

A student who is determined to have brought a Firearm to a Safe School Zone, or to have possessed a Firearm in a Safe School Zone, shall be expelled for a period of not less than 180 school days.

Pursuant to 11 *Del.C.* §1457A(f), modification to the expulsion requirement may be made on a case-by-case basis by the Board. Any modification to the expulsion requirement must be reported to the Delaware Department of Education.

All students shall receive a Student Handbook that contains this policy at the beginning of each school year, and whenever a student enters or re-enters the District during the school year, to be shared with their parent/guardian/custodial adult. This policy will be accessible on the District's website and a paper version can be requested from the front office in each school.

This policy shall apply to all students. Nothing in this policy shall alter the District's duties pursuant to the Individuals with Disabilities Education Act.

### **EXCEPTIONS**

The following are exceptions to possession of a firearm while in a Safe School Zone:

- (1) Police officer
- (2) A constable employed by the District who is acting in an official capacity within a Safe School Zone.
- (3) An active-duty member of the United States Armed Forces or Delaware National Guard who is acting in an official capacity within a Safe School Zone.
- (4) A holder of a valid license to carry concealed deadly weapons issued by the Superior Court, but only if the firearm is in a motor vehicle.
- (5) Employees of the Department of Services for Children, Youth, and Their Families who are authorized by the Secretary of the Department to carry a firearm or projectile weapon while acting in the employee's official capacity.
- (6) Probation and parole officers acting within the officer's official capacity.
- (7) A qualified retired law-enforcement officer who is employed or contracted by the District to assist with security or investigations and who is acting in an official capacity within a Safe School Zone.

Policy approved on: 7/21/2025