



Capital School District

Board of Education Policy

Section: Student
Title: Gun Free Schools Policy
Policy #: 700-03
Date Approved: 12/05/12
Date Revised: 10/17/12

Purpose:

To establish rules and regulations regarding firearms in schools and to inform parents and students of the consequences of violating the Gun Free Schools Act.

Any student who brings a weapon/firearm to school or on a school bus is in violation of the GUN FREE SCHOOLS ACT and shall be expelled from school for a minimum of 180 school days. This policy shall apply to all students and the federal law will be followed. Provisions are in effect to inform all students and their parent/guardian of the consequences of violating the GUN FREE SCHOOLS ACT. The policy shall be taught to each student. All students who enroll after the school year begins will receive instruction regarding the policy as part of their orientation. The policy shall be mailed to each student's parent/guardian.

Special exceptions to this policy may be considered to allow the Superintendent to modify each recommendation for expulsion on a case-by-case basis. Considerations respective of age and/or special needs of the students will be weighed.

Recommendations pertaining to students with disabilities will adhere to the federal law. Prior to any determination to exclude or change the placement of a student with a disability, a meeting shall be convened. The Individual Education Plan (IEP) committee will determine whether a relationship exists between the violation and the student's disabling condition before proceeding with a recommendation for expulsion.

The term weapon, as used in the GUN FREE SCHOOLS ACT, means a firearm as defined in Section 921 of Title 18, United States Code 9 (see definition of firearm) without the shotgun, rifle, or antique firearms exclusions. These shall be included in the Capital School District's definition of weapon.

DEFINITION OF FIREARM

(Section 921 of Title 18, United States Code 9)

The term "firearm" means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.

The term "destructive device" means --

(A) any explosive, incendiary, or poison gas --

- (i) bomb,
 - (ii) grenade,
 - (iii) rocket having a propellant charge of more than four ounces,
 - (iv) missile having an explosive or incendiary charge of more than one-quarter ounce,
 - (v) mine, or
 - (vi) device similar to any of the devices described in the preceding clauses
- (B) any type of weapon by whatever name known which will, or which may be readily converted to, expel a projectile by an action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and
- (C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term "destructive device" shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordinance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of Section 4634(s), 4685, or 4686 of Title 10; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

The term "antique firearm" means --

- (A) any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898; or
- (B) any replica of any firearm described in subparagraph (A) if such replica --
 - (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or
 - (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States.

Mace, pepper spray, and similar devices, although prohibited in school, are not deemed "destructive devices" under this definition and are therefore excluded from the specific provisions of this policy.

I hereby acknowledge that I have been given a copy of the Gun Free Schools Policy, including the list of violations and penalties, and have read/have been read the same and understand this document.

Signature of Witness

Signature of Parent/Guardian

Date

Parent/Guardian's Printed Name

Student Name(s):

_____	_____
_____	_____
_____	_____

THIS FORM WILL BE PLACED IN THE STUDENT CUMULATIVE FILE.