

## WEAPONS POLICY

### 1. Policy

It is the intent of the Townshend School Board to comply with the Federal Gun Free Schools Act of 1994, and Vermont State Statute requiring school districts to provide for the possible expulsion of students who bring weapons to 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.

The School Board determines that possession and/or use of a weapon by students, individuals and/or staff is detrimental to the welfare and safety of the students and school personnel.

### 2. Conduct Prohibited

Possession and/or use of any dangerous or deadly weapon or facsimile of any dangerous or deadly weapon in any school building on school grounds or property is strictly prohibited. It is a violation of this policy for any person to make, issue, knowingly or willfully cause, encourage, or aid any other person to make, issue, or otherwise communicate by any means, a threat that a dangerous or deadly weapon has been or will be placed or used on school grounds or property. (See Threats & Disruptions Policy #5131.4) This policy is in effect before, during and after school, as well as at any school sponsored activity. This policy does not apply to a law enforcement officer while engaged in law enforcement duties or to weapons or facsimiles of weapons used in school approved functions or ceremonies.

### 3. Definitions

A. "Dangerous or deadly weapon" means:

1. Weapons including but not limited to the following:

- a. any weapon which will or is designated to or may readily be converted to expel a projectile by the action of an explosive;
- b. the frame or receiver of any weapon described above;
- c. any firearm muffler or firearm silencer;
- d. any explosive, incendiary, or biological or chemical substances may include but not be limited to:

- (1) bomb
- (2) grenade

- (3) rocket having a propellant charge
  - (4) missile having an explosive or incendiary charge
  - (5) explosive, incendiary or poison gas mine
  - (6) device which consists of or includes a breakable container including a flammable or liquid compound, and a wick composed of any material which, when ignited, is capable of igniting the flammable liquid or compound, and can be carried or thrown by one individual acting alone; or
  - (7) similar device, unless under the supervision of a teacher and used as part of the curriculum.
- e. any weapon which will, or which may be readily converted to expel, a projectile by the action of an explosive or other propellant;
  - f. any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples and from which a destructive device may be readily assembled.
  - g. A dirk knife, bowie knife, dagger, or other weapon, device, instrument, material or substance, whether animate or inanimate, which in the manner it is used or is intended to be used is known to be capable of producing death or serious bodily injury. It also includes folding knives, including pocket knives, pen knives and jackknives.
2. A hoax device, defined as any device so designed, assembled, fabricated or manufactured as to convey the physical appearance of an explosive or incendiary bomb or the physical appearance of any of the devices enumerated in subdivisions (a)-(g) of division 1 of this section, which is lacking an explosive or incendiary charge
- B. "School grounds or property" means: facilities, buildings, fields, and grounds areas; vehicles owned, leased or used by the District to transport students to and from school or school activities; parking lots (including vehicles in the parking lots); or any other setting which is under the permanent or temporary supervision and/or control of the School District.
- C. Expelled means the termination for at least a calendar year of educational services to a student. At the discretion of the 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.

#### **4. Sanctions**

A violation of the terms of this policy will require that the following disciplinary action be initiated, in addition to possible legal action:

1. The student, individual and/or staff member who is in possession of a “dangerous or deadly weapon” shall be referred to a law enforcement agency.
2. The “dangerous or deadly weapon” will be confiscated.
3. The student and/or staff member may be suspended until a school board hearing can be conducted, following due process procedures.
4. A student found by the Board after a hearing to have violated the provisions of this policy shall be expelled for at least one (1) calendar year. However the 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 he/she 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; as determined through the Manifestation process.
  - d. The student does not present an ongoing threat to others;
  - e. A lengthy expulsion would not serve the best interests of the student.

#### **5. Reports to the State**

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

#### **6. Aiding Other Students**

A student who in any way encourages another student to bring weapons to school also endangers the safety of others. The School District expressly prohibits any such action. No student shall knowingly or willfully cause, encourage, or aid any other student to possess, handle, or transmit any of the weapons or facsimiles of weapons listed above. No student shall knowingly or willfully cause, encourage, or aid any other student to make, issue, or otherwise communicate by any means, a threat that a dangerous or deadly weapon has been or will be placed or used on school grounds or property. A student found to have violated this provision of the policy by causing, encouraging, aiding, etc. another student, shall be expelled for at least one (1) calendar year and treated in accordance with the provisions of section 4, Sanctions.

**Legal Reference:**

Gun Free Schools Act of 1994

Act No. 35 of the 1995 Session of the Vermont General Assembly

Individuals with Disabilities Education Act (PL 94-142)

Section 504 of the Rehabilitation Act of 1973

Vermont State Board of Education Manual of Rules & Practices, Sections 4311, 4312

VSA 13, 4003

VSA 13, 4004

VSA 16, 1166

**Cross Reference:** Threats and Disruptions

Suspension

Expulsion

Date Warned: 12/12/05

Date Adopted: 1/23/06

CWR:11/05