

Rutland Windsor Supervisory Union Ludlow Elementary School District Mount Holly Elementary School District Plymouth School District Union #39 School District	<b>WEAPONS</b>	<b>POLICY: F21</b>
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**Policy**

It is the policy of the Rutland Windsor Supervisory Union, Ludlow Elementary School District, Mount Holly Elementary School District, Plymouth School District and Union #39 School District (hereinafter “District”), to comply with the Federal Gun Free Schools Act of 1994 and Act No. 35 of the 1995 session of the Vermont General Assembly requiring school districts to provide for the possible expulsion of students who bring weapons to school. It is further the intent of the District to maintain a student discipline system consistent with the requirements of the Federal Individuals with Disabilities Improvement Education Act, Section 504 of the Rehabilitation Act and the Vermont State Board of Education rules.

**I. Definitions**

**A.** For the purposes of this policy, the terms weapon, school, and expelled shall have the following meanings:

- 1. Weapon:**
  - a.** Firearm or any device, 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 described above
  - c.** Any firearm muffler or firearm silencer
  - d.** Any explosive, incendiary or poison gas
  - e.** Any device 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 assembling any device described in the preceding examples
  - g.** Knives, num-chucks, dirk knife, dagger, or other devices that are designed to inflict harm
  - h.** Mace, pepper spray

**2. School:** means any setting which is under the control and supervision of the school district. It includes school grounds, facilities, field trips and vehicles used to transport students to and from school or school activities.

**3. Expelled:** means the termination for at least ten (10) months of educational services to a student. At the discretion of the District 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.

**II. Implementation**

Any student who brings a firearm to school or who possesses a firearm at school shall be reported to the Superintendent by the Principal subsequent to an investigation, which finds that the student violated the provisions of this policy.

The Superintendent shall submit a report to the Board and the police of the findings of the investigation. The Board will conduct an expulsion hearing. If after completion of the hearing, the Board finds that the policy has been violated, they shall expel the student for twelve (12) months.

Any student who brings a weapon other than a firearm or who possesses a weapon at school other than a firearm, shall be reported to the Superintendent by the Principal subsequent to an investigation, which finds that the student violated the provisions of this policy. The Board will conduct an expulsion hearing, unless the Principal, in conjunction with the Superintendent, finds that:

1. The student was unaware that he or she had brought a weapon to school
2. The student did not intend to use the weapon to threaten or endanger others
3. The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the student.

If after completion of the hearing, the Board finds that the policy has been violated, they shall expel the students for up to (12) twelve months.

**Legal Reference(s):**      *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 Acts)*  
*18 U.S.C. §921 (Gun Free School Zones Act of 1990)*  
*20 U.S.C. §§1400 et seq. (IDEIA)*  
*29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973)*  
*VT State Board of Education Manual of Rules & Practices, §§ 4311, 4312*

**Cross Reference(s):**      *Interrogations or Searches of Students (F5), Search & Seizure (F4), Student Conduct and Discipline (F1)*

<b>District:</b>	<b>Reviewed only</b>	<b>Date Warned</b>	<b>Date Adopted</b>	<b>Replaces Policy</b>
Rutland Windsor Supervisory Union		December 23, 2008	April 29, 2009	Same
Ludlow Elementary School District		December 23, 2008	February 4, 2009	JGA
Mount Holly School District		December 6, 2008	December 16, 2008	JGA
Plymouth School District		December 6, 2008	January 5, 2009	JGA
Union #39 School District		December 6, 2008	December 17, 2008	JFA