



# The Pomfret School

CHALLENGING THE MIND ★ ENCOURAGING THE HEART

**CODE F21**

## **WEAPONS**

### **Policy**

It is the policy of the Pomfret School Board to comply with the federal Gun Free Schools Act of 1994, and 16 V.S.A. §1166 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.

### **Definition**

- Any 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.

### **Sanction**

The incident will be reported to the principal. A student found by the principal after a hearing to have brought a weapon to school shall be expelled for up to one year. However, the Board may modify the expulsion on a case by case basis when it finds circumstances such as, but not limited to:

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 is disabled and the misconduct is related to the disability.
4. The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the pupil.

An expulsion hearing conducted under this policy shall afford due process as required by law. In addition, any student who brings a weapon to school shall be referred to a law enforcement agency.

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.

***Date Warned:*** 09/11/06

***Date Adopted:*** 10/09/06

### ***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. §8921(Gun Free Schools Act of 1994)*

*18 U.S.C. §921 (Federal definition of firearms)*

*20 U.S.C. §§1400 et seq.(IDEA)*

*29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973)*

*Vt. State Board of Education Manual of Rules & Practices, §§4311, 4312*

### ***Cross References:***

*Search and Seizure (F3)*

*Interrogations or Searches of Students (F5)*

*Student Conduct and Discipline (F1)*