



Reading Elementary School
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CODE F21

Firearms and Weapons Policy

Policy

It is the policy of the Reading Elementary 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.

Definitions

1. For the purposes of this policy, the terms “firearm” “weapon” “explosive” and “school”, and “expelled” shall have the following meanings:
 - **Firearm** means a firearm as defined in Section 921 of Title 18 of the United States Code and 13 V.S.A. §4016 including:
Any device that shoots a bullet, pellet, flare, tranquilizer, spear dart, or other projectile, whether loaded or unloaded, including those powered by CO₂. This includes, but is not limited to, guns, air guns, dart guns, pistols, revolvers, rifles, cannons, etc, and any ammunition for any such device.
 - **Weapon** Any device that is designed to or traditionally used to inflict harm. This includes, but is not limited to: 1) firearms, slingshots, switchblades, daggers, blackjacks, brass knuckles, bows and arrows, hand grenades, hunting knives, nun-chucks, throwing stars, etc.; 2) any object that could be reasonably construed as a weapon; or 3) any object legally controlled as a weapon or treated as a weapon under the laws of the *jurisdiction in which the University premises is located*.
 - **Explosives** Any chemical compound or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportion, quantities or packing that an ignition by fire, friction, concussion, percussion, or detonator, or any part of the compound or mixture, may cause a sudden generation of highly heated gases that results in gaseous pressures capable of producing destructive efforts on contiguous objects or of destroying life or limb. This includes, but is not limited to, firecrackers, black powder, dynamite, etc. as well as detonating devices such as detonators, blasting caps, timers, incendiary wire and the like.

- **School** means any setting which is under the control and supervision of the School District. It includes school grounds, facilities, school-sponsored events whether held on or off of school grounds and vehicles used to transport students to and from school or school activities.
- **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.

Sanctions

Any student who brings a weapon to school shall be brought by the Superintendent to the School Board for an expulsion hearing.

A student found by the Board after a hearing to have brought a weapon to school shall be expelled for at least one 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:

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: September 20, 2006
Date Adopted: November 28, 2006
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 Reference: Interrogations or Searches of Students (F5)
 Search and Seizure (F3)
 Student Conduct and Discipline (F1)