

Policy

It is the policy of Brattleboro Union High School District #6 to comply with the federal Gun Free Schools Act of 1994 and state law requiring school districts to provide for the possible expulsion of students who bring firearms to or possess firearms at school. It is further the intent of the supervisory union 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.A. For the purposes of this policy, the terms “weapon” and “school grounds or property” and “expelled” shall have the following meanings:

- (1) “Weapon” means a firearm as defined in Section 921 of the Federal Gun-Free Schools Act. The following is an illustrative, but not exclusive, list of weapons:
 - a. any device (including a starter gun) that will, 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:
 - (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;
 - (vi) firework; or
 - (vii) similar device,unless under the supervision of a teacher and used as part of the curriculum.
 - e. any device that will, or that may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter;
 - f. any combination of parts either designed or intended for use in converting any device into any destructive device and from which a destructive device may be readily assembled;
 - g. 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 the devices enumerated in subdivisions (a)-(f) of division 1. of this section, that is lacking an explosive or incendiary charge.

- 1.B “Weapon” also includes firearms; “Weapon” also includes shotguns and rifles to be used solely for sporting, recreational, or cultural purposes.
- 1.C “Weapon” also includes ammunition, dirk knives, bowie knives, daggers, swords, long knives, daggers, pocketknives, jackknives, penknives, hunting knives, hatchets, axes, spears, stun guns and any other electrical weapons, tear gas, pepper spray or any other chemical weapon, and other devices, instruments, materials, or substances, whether animate or inanimate, that in the manner they are used, or are intended to be used, are known to be capable of producing bodily injury, when not specifically required and authorized for a course of instruction.
- 1.D “Weapon” also includes any implement not normally construed to be a weapon and not defined as such under A., B., and C. above, but that is used as a weapon or someone threatens to use as a weapon.
2. “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 that is under the permanent or temporary supervision and/or control of the school district.
3. “Expelled” means the termination of educational services to a student for a period of at least twelve (12) consecutive months. At the discretion of the board and administration, an expelled student may be afforded limited educational services at a site other than school during the period of expulsion under this policy.

Sanctions

Any student who brings a firearm to school, or who possesses a firearm at school, shall be brought by the superintendent to the school board for an expulsion hearing.

A student found by the school board after a hearing to have brought a firearm to school shall be expelled for at least one calendar year. However, the school 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 firearm to school.
2. The student did not intend to use the firearm 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.

At the discretion of the school 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.

Aiding Other Students

A student who in any way encourages another student to bring a weapon to school grounds 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 firearm or facsimiles of a firearm. No student shall knowingly or willfully cause, encourage, or aid any other students to make, issue, or otherwise communicate by any means, a threat that a 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 this policy.

Policy Implementation

An expulsion hearing conducted under this policy shall afford due process as required by law and as developed by the superintendent or his or her designee.

The superintendent shall refer to the appropriate law enforcement agency any student who brings a firearm to a school under the control and supervision of the school district. The superintendent may also report any incident subject to this policy to the Department of Children and Families (DCF).

The superintendent shall annually provide the Secretary of Education with descriptions of the circumstances surrounding expulsions imposed under this policy, the number of students expelled and the type of firearms involved.

Date Warned:	September 19, 2014
Date Adopted:	October 6, 2014
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 Act) 18 U.S.C. §921 (Gun Free School Zones Act of 1990) 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:	Search Seizure and Interrogation of Students by School Personnel (F4) Interrogations or Searches of Students by Law Enforcement Officers or Other Non-School Personnel (F5) Student Conduct and Discipline (F1)