

**POLICY #5114(c)  
Required**

**WINOOSKI SCHOOL DISTRICT**

**POLICY ON WEAPONS**

It is the policy of the Winooski School District 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 or possess a firearm to/at school; to provide for the possible extended suspension of students who bring or possess any other weapon, knife or other device (as those terms are defined herein) to/at school; and to insure safe and secure learning environments for students 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**

For the purposes of this policy, the terms **weapon, firearm, knife, other device, school, suspension, and expelled** shall have the following meanings:

***Weapon:*** A firearm, knife, or any other device used to threaten, intimidate, or injure another person.

***Firearm:*** A firearm is defined in the United States Code, Title 18, Section 921 and 13 V.S.A. §4016 as follows –

- any weapon whether loaded or unloaded which will or is designed to or may readily be converted to expel a projectile by the action of an explosive
- the frame or receiver of any weapon described above
- any firearm muffler or firearm silencer
- any explosive, incendiary or poison gas
- bomb
- grenade
- rocket having a propellant charge of more than four ounces
- missile having an explosive or incendiary charge of more than one-quarter ounce
- mine, or
- similar device
- any weapon which will, or which may be readily converted to expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter
- 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.
- Any 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.

***Knife:*** A knife is any instrument with a handle and blade, fixed, or folded, that is or may be used for cutting, slicing, or stabbing.

***Other Device:*** A device, instrument, material or substance, whether animate or inanimate which in the manner it is used, is or should be known to be capable of producing property damage, harm, bodily injury, or death.

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

**Suspension:** removal from school by a principal or superintendent for a period of time up to 10 school days. An extended suspension of the remainder of the school year, or 90 days, whichever is longer by approval of the School Board.

**Expelled:** 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.

**Consequences and Discipline:**

**Firearm:**

Any student who brings or possesses a firearm to/at school shall be brought by the Principal/Superintendent to the School Board for an expulsion hearing. A student found by the Board after a hearing to have brought to or possessed a firearm at school shall be expelled for at least one calendar year (365 days). However, the Board may modify the expulsion on a case-by-case basis. The Board in determining the length of any expulsion may consider mitigating circumstances including, but not limited to, the following:

1. The student was unaware that he or she had brought to or possessed a firearm at school.
2. The student did not intend to use the firearm to threaten or endanger others.
3. The student has a disability 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 to the student as required by law. In addition, any student who is found by the Board to have brought or possessed a firearm to/at school shall be referred to a law enforcement agency.

**Knife and Other Devices:**

Any student who brings or possesses a knife, or other device to/at school may be brought by the Principal/Superintendent to the School Board for an extended suspension hearing (longer than 10 school days). A student found by the Board after a hearing to have brought or possessed a knife or other device to/at school may be suspended for more than ten (10) school days up to a maximum period of time of 1) the remainder of the school year, or 2) up to ninety (90) days, whichever is longer, as deemed appropriate by the Board. Decisions by the board shall be made on a case-by-case basis. In determining whether or not to bring a student to the board for a recommended extended suspension in excess of ten (10) days, the Principal/Superintendent and the Board in determining the length of any extended suspension may consider mitigating circumstances including, but not limited to, the following:

1. The student was unaware that he or she had brought or possessed a knife and/or other device to/at school.
2. The student did not intend to use the knife and/or other device to threaten or endanger others.
3. The student has a disability and the misconduct is related to the disability.
4. The student does not present an ongoing threat to others and a lengthy suspension would not serve the best interests of the pupil.

An extended suspension or expulsion hearing conducted under this policy shall afford due process to the student as required by law. In addition, any student who is found by the Board to have brought or possessed a knife, or other device to/at school shall be referred to a law enforcement agency.

All incidents in violation of this policy shall be reported to the Board by the Administration in their monthly reports.

As required by state law, the Superintendent shall annually provide the Secretary of Education, on a form provided by the department of education for this purpose, with descriptions of the circumstances surrounding suspensions and expulsions imposed under this policy.

**PROCEDURES:** (also referred to as rules or regulations) are the specific directions that indicate exactly how school personnel and others will carry out the policies adopted by the School Board. Procedures will be developed by the Superintendent in consultation with staff and are attached. Procedures may change more frequently than the underlying policy and do not require adoption by the Board.

Reviewed and Updated:

1st Reading: February 13, 2019

2<sup>nd</sup> Reading: March 13, 2019

Approved by Board of School Trustees: March 13, 2019

Legal Reference(s):     16 V.S.A. §563 (Powers of School Board)  
                              16 V.S.A. §1166 (Possession of a firearm at school)  
                              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)  
                              29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973)  
                              VT State Board of Education Manual of Rules & Practices, §§4311, 4312  
                              16 V.S.A. 1162, (Suspension or Expulsion of pupils)  
                              18 U.S.C. 921, 922 et seq., Gun Free Schools Act 1994

Cross Reference(s): Policy 5114 (a) Student Conduct and Discipline  
                              ..... Administrative Procedure WSD502 Search and Seizure  
                              ..... Administrative Procedure WSD503 Interrogation or Searches of Students by Law  
                              ..... Enforcement Personnel or Other Non-School Personnel

**PROCEDURES:**

The Administration shall annually publish and include this policy in all school publications and inform students annually of this policy in classrooms, advisories, and other settings as appropriate.

Parents of students who violate this policy will be notified and said students shall be immediately removed from school.