

WEAPONS POLICY

1. Policy

Chittenden South Supervisory Union and its member school districts (Charlotte, Hinesburg, Shelburne, Williston and Champlain Valley Union) are concerned with, and interested in, protecting the health, safety, and welfare of students, employees and visitors. The board recognizes that school buildings, facilities, vehicles, grounds and other school property are best utilized in the educational process in the absence of threats to physical well-being and safety by individuals possessing weapons. 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.

2. Conduct Prohibited

Possession and/or use of any dangerous or deadly weapon or facsimile (see “hoax device” defined in 3 g. below) of any dangerous or deadly weapon in any school building on school grounds or property are strictly prohibited. It is a violation of this policy for any person to make, issue, or communicate by any means, a threat that a dangerous or deadly weapon has been, or will be, placed or used on school grounds or property. This policy is in effect before, during, and after school, as well as at any school-sponsored activity. This policy **does not** apply to a law enforcement officer while engaged in law enforcement duties, or to weapons or facsimiles of weapons used in school-approved functions or ceremonies.

3. Definitions

A. “**Dangerous or deadly weapon**” means:

1. Any knife, dagger, switchblade, or folding knife with a blade in excess of two inches. Any folding knife with a blade less than two inches, including a pocket knife and pen knife, shall be considered a dangerous or deadly weapon if it is used, threatened to be used, or possessed in a threatening manner, or with the intent to cause harm to any person.
2. 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.
3. Weapons as defined in Section 921 of the Federal Gun-Free Schools Act, including the following:
 - a. Any weapon (including a starter pistol) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, or by gas or air;
 - b. The frame or receiver of any weapon described above;

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- c. Any firearm muffler or firearm silencer;
- d. Any destructive device, including explosives, incendiaries, or poison gas, including but not limited to:
 - (1) Bomb;
 - (2) Grenade;
 - (3) Rocket having a propellant charge of more than four ounces;
 - (4) Missile having an explosive or incendiary charge of more than one-quarter ounce;
 - (5) Mine; or
 - (6) Similar device,

Unless under the supervision of a teacher and used as part of the curriculum.

- e. For purposes of application and enforcement of this policy, a B-B gun, pellet gun, or similar device is considered a weapon;
- f. 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.
- 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 any of the devices enumerated in subdivisions (a)-(f) of Division 1 of this section, which is lacking an explosive or incendiary charge.

- B. **“School grounds or property”** means: facilities, buildings, fields and grounds areas; vehicles owned, leased, or used by Chittenden South Supervisory Union and its member school districts (Charlotte, Hinesburg, Shelburne, Williston and Champlain Valley Union) to transport students to and from school or school activities; parking lots (including vehicles in the parking lots); or any other setting, which is under the permanent or temporary supervision and/or control of Chittenden South Supervisory Union.

4. Sanctions

A violation of the terms of this policy will require that the following disciplinary action be initiated, in addition to possible legal action:

- A. The student, individual and/or staff member, who is in possession of a “dangerous or deadly weapon,” shall be referred to a law enforcement agency.
- B. The “dangerous or deadly weapon” will be confiscated.
- C. The student and/or staff member may be suspended until a school board hearing can be conducted. (Following due process procedures, as set forth in the School District Policy for Student Conduct and Discipline, in Collective Bargaining Agreements for teachers and in Employee Handbooks for classified staff.)

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- D. A student found by the board after a hearing to have violated the provisions of this policy shall be expelled for at least one (1) 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/she had brought a weapon to school;
 2. The student did not intend to use the weapon or 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
 5. A lengthy expulsion would not serve the best interests of the student.

5. Reports to the State

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.

6. Aiding Other Students

A student who in any way encourages another student to bring weapons to school also endangers the safety of others. Chittenden South Supervisory and its member school districts (Charlotte, Hinesburg, Shelburne, Williston and Champlain Valley Union) expressly prohibit any such action. No student shall knowingly or willfully cause, encourage, or aid any other student to possess, handle, or transmit any of the weapons or facsimiles of weapons listed above. No student shall knowingly or willfully cause, encourage, or aid any other student to make, issue, or otherwise communicate by any means, a threat that a dangerous or deadly 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 Section 4, Sanctions.

	Date Warned	Date Adopted
Chittenden South Supervisory Union	4/27/2007	5/9/2007
Champlain Valley Union School District	4/27/2007	5/9/2007
Charlotte School District	3/23/2007	4/3/2007
Hinesburg School District	4/27/2007	5/9/2007
Shelburne School District	4/27/2007	5/9/2007
Williston School District	4/27/2007	5/9/2007

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(s): Interrogations or Searches of Students (F5)
Search and Seizure (F4)
Student Conduct and Discipline (F1)