

## **POLICY F 4R**

### **BURLINGTON SCHOOL DISTRICT F 4R: FIREARMS AND DANGEROUS DEVICES IN SCHOOL**

#### **Former Policy JFCJ**

#### **Policy Statement**

It is the intent of the Burlington School Board to comply with the federal Gun Free Schools Act of 1994 and 16 V.S.A. §1166, Possession of a Firearm at School, requiring school districts to provide for the possible expulsion of students who bring firearms to or possess firearms at school, as defined by 18 U.S.C. § 921, Firearms. It is further the intent of the Board to maintain safe educational environment by prohibiting the presence of potentially dangerous weapons at school, absent certain specific exceptions. In achieving these goals, the Board will act in accordance with a student discipline system that is 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.

#### **Part I - Firearms:**

Any student who brings a firearm, as defined below, to school or possesses a firearm at school shall be referred to a law enforcement agency, including, but not limited to, the Burlington Police Department. In addition to any other action taken by the law enforcement agency, it may report the incident to the Department of Social Rehabilitation Services.

As required by law and/or Board Policy, any student found by the Board after a hearing to have brought a firearm to school or possess a firearm at school shall be expelled for at least one calendar year, except as provided for below. The Board may modify the expulsion on a case by case basis when it finds circumstances such as, but not limited to:

- a. The student was unaware that he or she had brought a firearm to or possessed a firearm at school.
- b. The student did not intend to use the firearm or threaten or endanger others.
- c. The pupil is disabled and the misconduct is related to the disability.
- d. The pupil does not present an ongoing threat to others and a lengthy expulsion would not serve the best interest of pupil.

An expulsion hearing conducted under this Policy shall afford due process as required by law. See Student Conduct and Discipline Policy, F 13.

As required by state law, the superintendent shall annually provide the Commissioner of Education of the State of Vermont with descriptions of the circumstances surrounding any expulsions imposed under this Policy, the number of students expelled and the type of firearms involved.

Part II - Potentially Dangerous Devices:

A student shall not bring to school or possess at school potentially dangerous device, as defined below, except under the following circumstances. If a student wishes to bring a potentially dangerous device to school as part of a specific program approved by the superintendent, he or she must make a prior written request to the principal for permission to bring the device to the class on a specific day. The written request must state the reasons why permission is being sought and be signed by the student's parent or guardian. The principal, after consult with the student's teacher where appropriate, may grant permission. The principal shall provide the student and parent with a written statement noting the conditions of bringing the potentially dangerous device to school including the proper storage and handling of the device while it is at school.

Failure to comply with these provisions may result in discipline, up to and including expulsion for the remainder of the school year. See Student Conduct and Discipline Policy, F 13.

The Board delegates the authority to the Administration to promulgate procedures which may, in the Administration's judgment, be necessary to properly implement this Policy and revise said procedures as may be required from time to time.

**Definitions**

For the purposes of this Policy, the terms "firearm"; "potentially dangerous devices"; "to school" and "expelled" shall have the following meanings:

- 1.. "*Firearm*" means a firearm as defined in Section 921 of Title 18 of the United States Code.
  - a. According to Section 921, the following are not included within the definition:
    - (i) an antique firearm as further defined by federal law;
    - (ii) any device which is neither designed nor redesigned for use as a weapon;
    - (iii) a rifle which the owner intends to use solely for sporting, recreational or cultural purposes; and
    - (iv) a shotgun or shotgun shell which is determined to be particularly suited as a sporting device.

- Please refer to Part II, Potentially Dangerous Devices, for Policy regarding the items listed in sections i-iv above.

- b. Under Section 921 (i)-(vi) are considered firearms:

- (i) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;
- (ii) the frame or receiver of any weapon described in (i) above;

- (iii) any firearm muffler or firearm silencer;
- (iv) any destructive device, meaning an explosive, incendiary or poison gas: any combination of parts either designed or intended for use in converting any device into any destructive described in the two immediately preceding examples and from which a destructive device may be readily assembled
  - 1. bomb
  - 2. grenade
  - 3. rocket having a propellant charge or more than four ounces
  - 4. missile having an explosive or incendiary charge of more than one quarter ounce
  - 5. mine, or
  - 6. similar device
- (v) 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
- (vi) a “destructive device” does not include any device that is neither designed nor redesigned for use as a weapon.

- 2. A “potentially dangerous device” is a sharp-edged implement or other implement known to be capable of, or could be used for the purpose of, causing serious bodily injury, including an antique firearm or a rifle intended to be used solely for sporting, recreational or cultural purposes. Examples of a “potentially dangerous device” include but are not limited to, a bb gun; a knife with a blade longer than 2½ inches; a sling shot; a throwing star; a blackjack; nunchakus (nunchuck); brass knuckles; a switchblade; rifles other than those described below in Definitions, §1(b); or a zip gun. This list includes some examples only for illustrative purposes and is not intended to be a complete list of all potentially dangerous devices. Excluded from this definition are sharp-edged devices that are provided by the District or used by the District in classroom instruction.
- 3. "*To School*" means any setting which is under the control and supervision of the school district. It includes school grounds, facilities and vehicles used to transport students to and from school or school activities.
- 4. "*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.

Individuals with Disabilities Education Act (PL 94-142); 20 U.S.C. §1400 et seq.; Section 504 of the Rehabilitation Act of 1973; 29 U.S.C. §794 et seq.  
Possession of a Firearm at School, 16 V.S.A. §1166 and Powers of a School Board, 16 V.S.A. §563(5); Slung Shot, Blackjack, Brass Knuckles-Use or Possession, 13 V.S.A. § 4001; By Children at School, 13 V.S.A. § 4004; Zipguns, Switchblade Knife, 13 V.S.A. § 4013.  
Vt. State Board of Education Manual of Rules & Practices, Sec. 4311,

4312

Cross Reference(s): Student Conduct and Discipline, F 13  
Abuse and Neglect Reporting, H 2

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