

Milton Town School District

Policy

F21: WEAPONS

Policy

It is the policy of the Milton Town School District (MTSD) to take appropriate disciplinary action, including long-term suspension, against students who bring to or possess weapons at school. It is further the intent of the district to maintain a student discipline system consistent with requirements of the federal Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act and the Vermont State Board of Education rules.

Definitions

- a. "School" means any setting which is under the control and supervision of the 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. "School" also includes alternative educational venues such as Regional Tech Centers.
- b. This policy does not apply to a law enforcement officer while engaged in law enforcement duties or to weapons or facsimiles of weapons approved in advance, in writing, by the Superintendent or Principal for use in school functions, ceremonies or approved instructional activities and/or courses.
- c. Per 13 V.S.A. §4016, and this policy, "weapon" shall also include other weapon, device, instrument, material or substance whether animate or inanimate, if it is used, threatened to be used or possessed in a threatening manner with the intent to cause harm to any person. This shall include, but not be limited to, items such as B-B and pellet guns, knives, "brass knuckles," martial arts devices, chains, clubs, chemical sprays, poisons, or other toxic materials. It also includes items usually designed or used for another purpose, but which are capable of inflicting serious bodily harm if used in an aggressive or threatening manner.
- d. "Weapon" shall also include hoax devices so designed, assembled, fabricated or manufactured with the intent to convey the physical appearance of an explosive or incendiary device, or of any of the devices listed in section c of these definitions.
- e. This policy is in effect before, during and after school, as well as at any school-sponsored activity.

Procedures

1. **Confiscation of the Weapon** – Administrators or other delegated school officials will exercise judgment and caution, using law enforcement if necessary, to confiscate any article identified as a weapon under this policy. Any such actions should be taken so as to minimize the risk of further endangering self or others.

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2. **Notification of Law Enforcement** – Where the student’s possession or use of a weapon (see Definitions items c and d above) may constitute a criminal violation, school officials shall immediately notify the appropriate law enforcement agency.
3. **Disciplinary Actions** - Any student who brings a weapon to or possesses a weapon at school shall be subject to one or more of the following immediate disciplinary actions as deemed appropriate by the school administrator in consultation with the Superintendent or his/her designee:
 - a. Parental notification.
 - b. Implementation of a safety plan.
 - c. Restriction from school activities, such as but not limited to recess, athletics, or after school clubs or activities.
 - d. Immediate suspension from school, possibly followed by a short-term out-of-school suspension.

Disciplinary Proceedings

A student found to have brought a weapon to school (see Definitions items c and d above) may be brought to the school board for a hearing and subject to a long-term suspension from school for the remainder of the school year or up to 90 school days, whichever is longer. However the Board may modify the expulsion or long-term suspension 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.

Date Warned: 9/13/2018
Date Adopted: 3/11/13
Date Revised: 10/08/2018
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 (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: Student Conduct and Discipline (F1)
Search and Seizure (F3)
Searches, Seizures, and Interrogations of Student by Law Enforcement Personnel or Other (F4)