

Milton Town School District

Policy

F20: FIREARMS

Policy

It is the policy of the Milton Town School District (MTSD) 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 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.

Definitions

“Firearms” shall mean items and devices described as “firearms” in 18 U.S.C. § 921(a), including:

- 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;
- The frame or receiver of any such weapon;
- Any firearm muffler or firearm silencer;
- Any destructive device, including explosives, incendiaries, or poison gas, including but not limited to the following:
 - 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
 - device similar to the above-described devices.
- Any combination of parts either designed or intended for use in converting any device into any destructive described above and from which a destructive device may be readily assembled

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.

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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.

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 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 Social and Rehabilitative Services.

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 firearms involved.

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 approved in advance, in writing, by the Superintendent or Principal for use in school functions, ceremonies or approved instructional activities and/or courses.

Date Warned: 9/13/2018

Date Adopted: 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 (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: Student Conduct and Discipline (F1)

Search and Seizure (F3)

Searches, Seizures, and Interrogations of Student by Law Enforcement Personnel or Other (F4)