

**COMMON POLICY FOR FRANKLIN CENTRAL SUPERVISORY UNION**  
**ST. ALBANS TOWN EDUCATIONAL CENTER,**  
**ST. ALBANS CITY SCHOOL, FAIRFIELD CENTER SCHOOL,**  
**BELLOWS FREE ACADEMY UNION HIGH SCHOOL DISTRICT #48,**  
**AND NORTHWEST TECHNICAL CENTER**

**CODE: F21**  
**(MANDATORY)<sup>1</sup>**

**WEAPONS**

**Policy**

It is the policy of the Board to comply with the federal Gun Free Schools Act of 1994<sup>2</sup> and 16 V.S.A. §1166<sup>3</sup> requiring school districts to provide for the possible expulsion of students who bring a weapon to school, possess, or use an object as a weapon. 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.<sup>4</sup>

**Definitions**

For the purposes of this policy, the terms “weapon,” “school,” and “expelled” shall be defined in administrative procedures developed by the Superintendent. The definitions shall be consistent with definitions required by state and federal law.<sup>5</sup>

**Sanctions**

Any student who is in violation of this policy may be brought by the Superintendent to the School Board for an expulsion hearing.

A student found by the Board after a hearing to be in violation of this policy may be expelled for up to one calendar year. The Board may modify the expulsion on a case-by-case basis for cause.

At the discretion of the Board and the 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.<sup>6</sup>

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<sup>1</sup> This policy is required by 16 V.S.A. §1166(b).

<sup>2</sup> The Gun Free Schools Act (GFSA) was enacted under Congress’ spending power to prevent students from bringing weapons to school. The GFSA is different than the Gun-Free School Zones Act of 1990, which the U.S. Supreme Court struck down in 1995, holding that it exceeded Congress’ power under the Commerce Clause of the U.S. Constitution. The Gun-Free School Zones Act was amended in 1996 to restrict its application to possession of firearms that have moved in or that otherwise affected interstate or foreign commerce and are at a place that the individual knows, or has reasonable cause to believe, is a school zone. 18 U.S.C. § 922(q)(2)(A). The Gun Free Schools Act of 1994 was amended and incorporated into the No Child Left Behind Act at 20 U.S.C. § 7151 et seq.

<sup>3</sup> 16 V.S.A. §1166

<sup>4</sup> The U.S. Department of Education’s “Guidance Concerning State and Local Responsibilities Under the Gun Free Schools Act (GFSA)” states that “compliance with the GFSA may be achieved consistent with the requirements that apply to students with disabilities, so long as discipline of those students is determined on a case-by-case basis...”

<sup>5</sup> See definitions in the administrative procedures section accompanying this policy. Note that the GFSA exempts from its coverage firearms that are “...lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local education agency and the local education agency adopts appropriate safeguards to ensure student safety.” 20 U.S.C. §7151(g).

<sup>6</sup> 20 U.S.C. §7151(b)(2).

	BFA	TOWN	CITY	FAIRFIELD	FCSU
1 <sup>st</sup> Reading:	09/07/10	09/08/10	09/09/10	09/20/10	03/16/11
2 <sup>nd</sup> Reading:	10/05/10	10/13/10	10/14/10	10/18/10	
Warned Date:	9/24/10	9/24/10	9/24/10	9/24/10	12/06/10
Adopted Date:	10/05/10	10/13/10	10/13/10	10/18/10	03/16/11

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: §2120.8.3.3