

29 encourage or aid any other student to make, issue or otherwise communicate by any means, a
30 threat that a dangerous or deadly firearm has been or will be placed or used on school grounds or
31 property. A student found to have violated this provision by causing, encouraging, aiding, etc.
32 another student to violate this policy, shall be subject to the disciplinary consequences as set
33 forth in this policy. Students with knowledge of a firearm on campus or at an activity are
34 required to report the matter to a staff member or another adult immediately.

35
36 **Immediate Removal from School**

37 Nothing within this policy shall prevent a Superintendent, Principal or his/her designee subject to
38 subsequent due process procedures from removing immediately from a school, school activity,
39 school property, school vehicle, etc. any student who brings or possesses a firearm to school and
40 who poses an immediate threat or a continuing threat of disrupting the academic progress or
41 whose presence may be harmful to the welfare of the school and its students and staff.

42
43 **Sanctions**

44 Any student who brings a firearm to school, or who possesses a firearm at school, shall be
45 brought by the Superintendent to the School Board for an expulsion hearing. The student shall
46 be referred to a law enforcement agency. In addition to any other action the law enforcement
47 agency may take, it may report the incident to the department for children and families.

48 A student found by the Board after a hearing to have brought a firearm⁶ to school shall be
49 expelled for at least one calendar year. However, the Board may modify the expulsion on a case-
50 by-case basis when it finds circumstances such as, but not limited to:

- 51 1. The student was unaware that he/she had brought a firearm to school
52 2. The student did not intend to use the firearm to threaten or endanger others.
53 3. The student is disabled and the misconduct is related to the disability.
54 4. The student does not present an ongoing threat to others and a lengthy expulsion would
55 not serve the best interests of the pupil⁷.

56 At the discretion of the Board and the Administration, an expelled student may be afforded
57 limited educational services at a site other than the school during the period of expulsion under
58 this policy⁸.

59
60 **Policy Implementation**

61 An expulsion hearing conducted under this policy shall afford due process as required by law
62 and as developed by the superintendent or his/her designee.

63
64 The superintendent or his/her designee shall refer to appropriate law enforcement agency any
65 student who brings a firearm to a school under the control and supervision of the school
66 district. The superintendent may also report any incident subject to this policy to the Department

⁶ See footnotes 1 and 4.

⁷ 16 V.S.A. § 1166(b)(2) stipulates that “the school board may modify the expulsion on a case by case basis...” and includes the “...such as but not limited to...” examples listed here.

⁸ 20 U.S.C. §7151(b)(2).

67 of Social and Rehabilitative Services (in Vermont, known as the Department for Children and
68 Families)⁹.

69 The superintendent shall annually provide the Commissioner of Education with descriptions of
70 the circumstances surrounding expulsions imposed under this policy, the number of students
71 expelled and the type of firearms involved.¹⁰

72
73
74

	BFA	TOWN	CITY	FAIRFIELD	FCSU	
75						
76	1 st Reading:	12/2/2014	1/14/2015	12/11/2014	12/6/2014	12/17/2014
77	2 nd Reading:					
78	Warned Date:	12/22/2014	2/4/2015	12/22/2014	12/22/2014	2/4/2015
79	Adopted Date:	01/06/2015	3/11/2015	01/08/2015	01/12/2015	2/18/2015

80

81 Legal Reference(s): 16 V.S.A. §1166 (State law pursuant to Federal law
82 13 V.S.A. §§4004, 4016 (Criminal offenses)
83 20 U.S.C. §8921(Gun Free Schools Act of 1994)
84 18 U.S.C. §921 (Federal definition of firearms)
85 20 U.S.C. §§1400 et seq. (IDEA)
86 29 U.S.C. §794 (Section 504, Rehabilitation Act of 1973)
87 VT State Board of Education Manual of Rules & Practices: §2120.8.3.3
88

89
90 ¹⁰ This requirement is imposed by 16 V.S.A. § 1166(c).
91
92
93

⁹ 16 V.S.A. § 1166(b)(1); 20 U.S.C. § 7151(h)(1). The Gun Free Schools Act stipulates that “no (federal) funds shall be made available to any local education agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.”