

DANGEROUS WEAPONS IN SCHOOL

No student shall have in his or her possession upon school premises any rifle, shotgun, pistol, revolver, other firearm, knife, dangerous chemical, explosive, or any object which is not necessary for school activities and which could be used as a weapon. A weapon is defined as any instrument capable of firing a projectile, the frame or receiver of any such weapon, a firearm muffler or silencer, any explosive device, or any other instrument capable of inflicting bodily harm.

Any student found guilty of bringing a firearm, as defined in section 921 of Title 18 of the United States Code* onto school property after a hearing has been provided pursuant to section 3214 of the Education Law will be subject to at least a one-year suspension from school. However, after this penalty has been determined, the Superintendent of Schools will review the penalty and may modify such suspension on a case-by-case basis. If the Superintendent believes a one-year suspension penalty to be excessive, he/she may modify the penalty based on criteria including but not limited to:

1. the age of the student;
2. the student's grade in school;
3. the student's prior disciplinary record;
4. the Superintendent's belief that other forms of discipline may be more effective;
5. input from parents, teachers and/or others; and
6. other extenuating circumstances.

The Superintendent shall refer any student, under the age of sixteen (16), who has been determined to have brought a firearm to school to Family Court; students over the age of sixteen (16) will be referred to the appropriate law enforcement authorities.

Students with disabilities can only be suspended consistent with the provisions of the Individuals with Disabilities Education Act and Article 89 of the Education Law.

Authorized law enforcement officers are the only people permitted on school property to have a weapon in their possession.

* According to section 921, a firearm includes any weapon 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; and any explosive, incendiary or poison gas including bombs, grenades, rockets or similar devices. Not included in this definition are antiques firearms, knives, Class-C fireworks and rifles which are used as part of a school's hunting or rifle clubs or military education.

Cross-ref: 4321, Students with Disabilities
 5313.3, Student Suspension
 5313.3-R, Student Suspension Regulation
 5330, Searches and Interrogations

Ref: Gun Free Schools Act of 1994, 20 USC §§3351; 8921; 8922
18 USC §921
20 USC §§1400 et seq. (IDEA)
Education Law §3214(3)
Education Law §§4402 et seq. (Article 89)
Honig v. Doe, 108 S. Ct. 592 (1988)
Guidelines Concerning State and Local Responsibilities under the Gun-Free
Schools Act of 1994, National School Boards Association, January 19,
1995

ADOPTED: 3/12/98