

# WEAPONS PROHIBITION

[C5]

## I. PURPOSE

In accordance with applicable state and federal laws and for the safety of the school community, Thetford Academy is committed to maintaining a weapons-free environment. This policy seeks to state clearly the school's rules regarding weapons and the applicability of the rules to students and other individuals, and to provide guidance for enforcement of the rules which is consistent with the school's overall discipline plan and with state and federal laws.

## II. DEFINITIONS

For the purposes of this policy and administrative rules and procedures developed pursuant to this policy, the following definitions shall apply.

### Firearm:

"Firearm" shall have the same meaning as set forth in 18 U.S.C. § 921 and 16 V.S.A. § 1166(a), as amended from time to time, and which includes any explosive device. For the purposes of this policy, "firearm" shall also include any "look-alike" toy or replica of a firearm, whether or not it is used in a threatening manner as though it were a real firearm.

### Explosive Device:

An object that bursts with sudden violence from internal energy and is capable of causing bodily injury.

### Knife:

A cutting instrument composed of a blade and handle.

### Other Weapons:

Devices, instruments, materials or substances – other than the weapons already defined above – that, when used in a threatening manner, could be capable of causing bodily injury.

### School Setting:

Any location under the control or supervision of Thetford Academy for school-related purposes as approved or authorized by Thetford Academy. School Setting comprises the main Thetford Academy campus area — including all buildings and other structures, athletic facilities and fields, horticultural areas, parking areas, and all vehicles on campus regardless of the vehicles' ownership — as well as any Thetford Academy natural areas adjacent to the main campus that are legally posted (as specified in Vermont Fish and Wildlife Regulations), and any off-campus properties that are owned or leased by Thetford Academy for any school-related purposes. School Setting also encompasses all school-

sponsored activities, including outings and special events, whether they take place on or off of Thetford Academy property, and any vehicles owned, leased, controlled, or subcontracted by the school which are used to transport students to and/or from school or any school-sponsored activities.

Suspension:

Removal of a student from the school or School Setting or to a place within a School Setting that is determined by the Head of School, or his or her designee, to be sufficiently secure to ensure the safety of students and school personnel and to allow the school to continue school activities safely.

Expulsion:

Exclusion of a student from participating in any school activity and from being enrolled as a student.

### **III. POLICY**

#### **A. Regarding Students**

No Thetford Academy student shall knowingly bring or possess, or aid, counsel, or incite another person to bring or possess, a firearm, explosive device, knife, or other weapon within a School Setting. No student shall make, issue, or communicate by any means a threat that a dangerous or deadly weapon has been or will be placed or used in a School Setting. These prohibitions are in effect before, during, and after school, as well as at any school-sponsored activity. Hunting by students in a location that is being used as a School Setting is explicitly prohibited.

In the implementation of this policy, the school shall 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. The same laws apply to explosive devices, which are included in the legal definition of firearms.

It is further the intent of Thetford Academy 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.

Nothing in this policy shall prohibit a student from possessing or using an instrument, which may otherwise qualify as a “knife” or “other weapon,” that is provided to the student by the school for a designated educational purpose conducted under the guidance of a faculty or staff member.

#### **B. Regarding Persons Other Than Students**

Possession of a firearm or a dangerous or deadly weapon at school is a violation of state law, with sanctions including a monetary fine and/or imprisonment (see 13 V.S.A. § 4004, as amended from time to time), and it is the intent of Thetford Academy to require compliance with this law.

For Thetford Academy employees and all other persons who are not Thetford Academy students, it is the policy of Thetford Academy that no such person shall enter or be in a School Setting while in possession of a firearm, explosive device, knife, or other weapon unless at least one of the following exceptions applies:

1. The person has prior written authorization from the Head of School or his/her designee to bring such firearm, explosive device, knife, or other weapon to the School Setting for a specific occasion or for instructional or other specific purposes.
2. The person is a law enforcement officer engaged in the performance of his/her law-enforcement duties.
3. In the case of a knife, the knife is a pocket knife with a blade less than three inches long, and such knife is not brandished or otherwise used to threaten another person.
4. In the case of an implement that may qualify as a “knife” or “other weapon” and that is possessed by a person performing services at the request of the school, the implement is either (a) a tool used by the person in connection with a specific task s/he has been requested to perform or (b) is part of a regular professional tool kit reasonably carried by a person performing services of the type requested by the school, providing, in either case, that the person does not use the implement to threaten another person.
5. The person is in an off-campus location that is being used as a School Setting, and Thetford Academy does not possess the authority to prohibit the person from having a weapon in that location during its use as a School Setting.

#### **IV. COMPONENTS OF POLICY**

##### **A. Violations of This Policy and Consequences for Violations**

The Head of School or his/her designee, in accordance with all applicable state and federal laws, shall develop, implement, and amend as necessary from time to time school rules and procedures which accomplish the following:

1. Define clearly the range of consequences for student violations of the Weapons Prohibition Policy, taking into account the following requirements.

##### Firearms

In accordance with state and federal laws, any student who brings a firearm to a School Setting or who possesses a firearm in a School Setting shall be brought by the Head of School or his/her designee to the Disciplinary Committee for an expulsion hearing. An explosive device is included in the legal definition of a firearm.

A student found by the Disciplinary Committee after a hearing to have brought a firearm to or possessed a firearm in a School Setting shall be expelled for at least one calendar year, in accordance with state and federal laws. However, the Disciplinary Committee or, on appeal, the Board of Trustees may modify the expulsion on a case-by-case basis when it finds circumstances such as, but not limited to, the following:

- a. The student was unaware that he or she had brought a firearm or explosive device to the School Setting.
- b. The student is disabled and the misconduct is related to the student's disability.
- c. The student does not present an ongoing threat to others and a lengthy expulsion would not serve the best interests of the student.

#### Threats

Any student who makes, issues, or communicates by any means a threat that a dangerous or deadly weapon (as defined by federal and state laws) has been or will be placed or used in a School Setting shall be held accountable for causing a school crisis, with sanctions to include suspension and/or referral for an expulsion hearing.

#### Other Considerations

Under state law, a student may be immediately suspended whenever his/her conduct is deemed to be an immediate threat to him/herself, others, property, or the school environment. Students who are suspended for violating the Weapons Prohibition policy may, at the discretion of the school administration, continue to receive educational services deemed to be in the best interest of the student.

At the discretion of the Disciplinary Committee or the Board of Trustees, as applicable, and the Head of School, an expelled student may be afforded limited educational services at a site other than the school during the period of expulsion under this policy.

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

When disciplining students with disabilities or those suspected of having a disability, the school shall comply with all state and federal laws. A member of the student's Special Education team shall be present when disciplining a student who is on an Individualized Education Program (IEP).

2. Define clearly Thetford Academy's response to non-student violations of the Weapons Prohibition Policy. Thetford Academy shall reserve the right to refuse

entry to or require the departure of any person in a School Setting who is determined to be in violation of the Weapons Prohibition policy.

3. Ensure all incidents are reported as appropriate and in compliance with state laws.

#### Law-Enforcement Agencies

By state law, the Head of School or his/her designee shall refer to the appropriate law-enforcement agency any student who brings a firearm to or possesses a firearm in a School Setting.

Any student who makes, issues, or communicates by any means a threat that a dangerous or deadly weapon has been or will be placed or used in a School Setting may also be referred to law enforcement for possible criminal charges or for the school to pursue civil litigation.

Regarding persons other than students, violations of this policy which also constitute violations of state laws prohibiting the possession of weapons in a School Setting shall be reported to the appropriate legal authorities.

#### Department for Children and Families

The Head of School or his/her designee may also report any incident subject to this policy to the Vermont Department for Children and Families.

#### Secretary of Education

The Head of School shall annually provide the Secretary of Education with descriptions of the circumstances surrounding expulsions imposed under this policy, the number of students expelled, and the type of weapon(s) involved.

4. Outline clearly the school's procedures to follow in the event of a weapons situation that is (a) an emergency and (b) a non-emergency.

### **B. Notification**

The Head of School shall ensure that students, employees, parents/guardians, and other visitors to the school are notified of the rules and sanctions pertaining to weapons in the School Setting. Notice to students and parents/guardians shall, at a minimum, be provided through inclusion of these rules and sanctions in the Student and Family Handbook. Notice to all persons entering school property shall, at a minimum, be provided by appropriate signage in the main campus area including in the school's parking areas. In addition, the Head of School shall ensure the legal posting of property owned or leased by Thetford Academy wherever such posting is both permitted by law and appropriate to help ensure the safety of the school community. The Director of Buildings and Grounds shall create and maintain an up-to-date diagram showing the location of all legally posted areas on property owned or leased by Thetford Academy.

## **V. FURTHER INFORMATION**

For additional information about this policy or for other related assistance, please contact the Dean of Students or the Head of School.

| ADOPTED: [June 15, 2017](#)