

POSSESSION OF FIREARMS ON SCHOOL PREMISES

Purpose

To prohibit the possession of firearms on school premises.

Definitions

“Firearms”- According to Section 921 of Title 18 of the United States Code, the following are included in the definition:

- Any weapon which will or is designed to or may readily be converted to expel a projectile by the action of any explosive.
- The frame or receiver of any weapon described above.
- Any firearm muffler or firearm silencer.
- Any explosive, incendiary, or poison gas
 1. Bomb
 2. Grenade
 3. Rocket having a propellant charge of more than four ounces
 4. Missile having an explosive or incendiary charge of more than one-quarter ounce.
 5. Mine, or
 6. Similar device
- Any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-eighth inch in diameter.
- Any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.

Also, including the following:

- BB Guns or Pellet Guns
- Antique Firearms
- Starter Guns
- A rifle which the owner intends to use solely for sporting, recreational, or cultural purposes
- Any device which is neither designed nor redesigned for use as a weapon
- Any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device
- Surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684 (2) 4685, or 4686 of Title 10

“School premises”- shall mean all school owned, leased or otherwise controlled buildings, grounds and transportation vehicles.

Policy Provisions

No person, with the exception of law enforcement officials and the School Resource Officer shall bring a firearm or any portion of a firearm on the premises of a school or any area controlled by the school district.

Any student possessing a firearm on school premises will be subject to a penalty of at least one year's suspension from school. This penalty may be modified by the superintendent based on the circumstances and the student's previous record. Non-student violators will be punished to the fullest extent of the law.

Suspended students within the compulsory attendance age will be provided with alternative instruction during the suspension period.

Students having been classified as disabled may be suspended in excess of ten (10) school days when they are extended procedural protection required by the Individuals with Disabilities Education Act.

Procedure for Implementation

An incident involving a student being in possession of a firearm on school premises is to be immediately reported to the Principal and Superintendent and followed up with a written memorandum describing the incident in detail. Parents/Guardians will be notified as soon as possible.

The Schoharie County Sheriff's Department or the New York State Police will be requested to pick up and hold the firearm.

The Superintendent will arrange for a hearing to be held pursuant to Education Law 3214.

If, following a hearing, it is determined that the student is guilty of possessing a firearm on school premises, he/she will be subjected to a penalty of at least one year's suspension from school, unless otherwise determined by the Superintendent. Any modification of the minimum penalty is to be determined on a case-by-case basis and is to consider the circumstances surrounding the offense and the student's prior record.

In the event that the suspended student is classified as disabled, as defined by the Individuals with Disabilities Education Act, the coordinator of special programs will arrange for procedural protection, as required IDEA, prior to the end of the first ten (10) days of suspension.

Notification of the provisions of this policy will be made annually to both students and parents. Such notification will be provided through student handbooks and the school district newsletter.

Pertinent Laws and Regulations

- ★ Article 921 of Title 18 of the United States Code (Gun-Free Schools Act of 1994), Education Law 3214.
- ★ Education Law 3205, Individuals with Disabilities Education Act.

