

DANGEROUS WEAPONS IN SCHOOL

No person shall bring, possess, or use, on school premises, any rifle, shotgun, pistol, revolver, other firearm, knife, dangerous or defensive chemical sprays, 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 or which might be used or threatened to be used to cause physical injury in offensive or defensive conduct against another person.

Firearms

No student shall bring or possess a firearm on any portion of the premises of a school owned or controlled by this school district. A firearm is defined, consistent with section 921 of Title 18 of the United States Code, as any weapon (including a starter gun) 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 such weapon; any firearm muffler or silencer; or any destructive device.

Any student found guilty of bringing or possessing 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 a one-year suspension or expulsion from school. However, after the student has been found guilty, the Superintendent may 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, the Superintendent 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 16, who has been determined to have brought or possessed a firearm to school to the Colonie Police and Family Court; students over the age of 16 will be referred to the Colonie police.

Other Weapons

Bringing or possessing a weapon other than a firearm on the person of a student or on the premises of a school but not on the person shall subject the offender to a minimum of an immediate suspension from school for a five day period for grades 7 - 12 and two to five days for grades K - 6. The Superintendent of Schools will review the matter and determine whether to refer the student to a disciplinary hearing with the Superintendent which could result in a long-term suspension. Reinstatement will occur only after a reinstatement conference with the student and parent(s)/guardian(s) is held. The Family Court or Colonie police will be notified, if appropriate, so that criminal proceedings may be instituted.

Subsequent offenses for bringing or possessing a weapon shall subject the offender to immediate suspension from school, pending a disciplinary hearing before the Superintendent, which could result in a long-term suspension or expulsion. The Colonie police will be notified so that criminal proceedings, if appropriate, may be instituted.

The use or threat of use of any weapon other than a firearm shall subject the offender to immediate suspension from school, pending a disciplinary hearing before the Superintendent which could result in a long-term suspension or expulsion. The Colonie police will be notified, so that criminal proceedings, if appropriate, may be instituted.

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

Unless approved by the Board of Education, authorized law enforcement officers are the only people permitted to have a weapon in their possession while on school property.

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

Ref: Gun Free Schools Act of 1994, 20 U.S.C. §§3351; 8921; 8922
18 U.S.C. §921
20 U.S.C. §§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

Note: Prior policy, Students - Possession, Use or Threatened Use of Weapons,
5131.7, revised

Policy Adopted: June 29, 1992
Amended: August 22, 1994
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