

Students

Weapons and Dangerous Instruments

The Board of Education determines that possession, concealment, and/or use of a weapon by a student is detrimental to the welfare and safety of the students and school personnel within the district. Possession and/or use of any dangerous or deadly weapon, firearm, or destructive device in any school building on school grounds, in any school vehicle, or at any school-sponsored activity is prohibited.

A “dangerous weapon” is any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious injury. A “deadly weapon” is any instrument, article or substance specifically designed for and presently capable of causing death or serious injury.

Such weapons include but are not limited to any pistol, revolver, rifle, shotgun, air gun or spring gun; slingshot; bludgeon; brass knuckles or artificial knuckles of any kind; knives having a blade of greater than two inches, any knife the blades of which can be opened by a flick of a button or pressure on the handle, or any pocketknife where the blade is carried in a partially opened position; martial arts weapon; destructive device.

Pursuant to federal law, the term firearm includes, but is not limited to, any weapon 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, a muffler or silencer for such a weapon, or destructive device. A student who violates this policy will be reported to law enforcement authorities.

A “destructive device” is considered any device with an explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device which is designed primarily for use as a signaling, pyrotechnic, line-throwing, safety or similar device.

The possession or use of any such weapon or devices will require that the proceedings for the suspension and/or expulsion of the student involved will be initiated immediately by the principal. If the student is found to have possessed a firearm or other dangerous weapon as defined in Connecticut General Statutes 53a-3 in violation of 29-35 or 53-206, in or on the real property of a school or at any school activity as defined in Connecticut General Statutes 10-233a, he/she must be expelled for one calendar year. The Board of Education or hearing board may modify the period of expulsion on a case by case basis. To comply with federal law, any finding of an exception shall be reduced to writing. All legal restrictions and requirements will be adhered to pertaining to special education students.

The Board shall consider a student’s conduct off school grounds that is seriously disruptive of the educational process or is violative of publicized policies of the Board as grounds for expulsion.

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(cf. 5114 - Suspension/Expulsion)

(cf. 5145.12 - Search and Seizure)

Legal Reference: Connecticut General Statutes
10-221 Boards of education to prescribe rules.
10-233a through 10-233f - Expulsion as amended by PA 95-304
53a-3 Definitions.
53a-217b - Possession of firearms and deadly weapons on school grounds
53-206 Carrying and sale of dangerous weapons.
PA 94-221 An Act Concerning School Discipline and Safety.
Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2006)
GOALS 2000: Educate America Act
18 U.S.C. 921 Definitions.
Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (2006)
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117

Policy adopted: May 7, 2019

NEWTOWN PUBLIC SCHOOLS
Newtown, Connecticut

Students

Weapons and Dangerous Instruments

I. Regulations - Generally

1. Students shall not possess firearms, facsimiles of firearms, deadly or dangerous weapons, dangerous instruments, or martial arts weapons on school grounds or buildings, nor on school buses, nor on any school-related or school-sponsored activity away from school facilities. Firearms, weapons, and dangerous instruments shall include those defined by law. (18 U.S.C. 921, C.G.S. 53a-3, 53-202 to 53-206, and 53-206c(a)(1).
2. Possession or use of such weapons or devices on school grounds or other areas under the control of the Board of Education may also be a violation of criminal law, and therefore any violation of this policy may be reported immediately to the local law enforcement agency, the Board of Education, and, if possible, the parent or guardian. Students who violate this policy shall be subject to appropriate disciplinary action as well as possible legal action, provided that a student found to possess a firearm, instrument or a weapon shall be expelled. Certain off school grounds violations shall also lead to expulsion.
3. Any dangerous device or weapon may be seized by an employee of the school system under the power granted to the Board of Education to maintain order and discipline in the schools, and to protect the safety of students, staff and the public.
4. Every employee seizing any weapon or dangerous instrument under the provisions of this policy shall report the incident to the building Principal immediately, and deliver the seized device to the Principal, together with the names of the persons involved, witnesses, location and circumstances of the seizure.
5. If an employee knows or has reason to suspect that a student has possession of such a device but has not been seized, the employee shall report the matter to the Principal immediately, and the Principal shall take such action as is appropriate. The Principal shall report all violations of this policy to the Superintendent or designee, and to the local law enforcement agency.
6. Whenever a student is expelled, notice of the expulsion and the conduct for which the student was expelled shall be included on the student's cumulative educational record. Such notice, except for notice of an expulsion based on possession of a firearm or deadly weapon, shall be expunged from the cumulative educational record by the Board of Education if a student graduates from high school.
7. The Board of Education shall submit to the Commissioner of Education information on expulsions for the possession of weapons as required for purposes of the Gun-Free Schools Act of 1994, 20 U.S.C. 8921 ET SEQ.

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Regulations - Generally (continued)

II. Definition Of Terms

1. **Dangerous instrument** means any instrument, article or substance which, under the circumstances in which it is used or attempted or threatened to be used, is capable of causing death or serious physical injury, and includes a “vehicle”. (C.G.S. Sec. 53a-3(7).)
2. **Dangerous weapon** means any sling shot, air rifle, BB gun, blackjack, sand bag, metal or brass knuckles, or any dirk knife, or any switch knife, or any knife having an automatic spring release device by which a blade is released from the handle, having a blade of over one and one-half inches in length, or stiletto, or any knife, the edged portion of the blade of which is four inches or over in length, or any martial arts weapon or electronic defense weapon, or any other dangerous or deadly weapon or instrument. (C.G.S. Sec. 53-206.)
3. **Deadly weapon** means any weapon, whether loaded or unloaded, from which a shot may be discharged or a switchblade knife, gravity knife, billy, blackjack, bludgeon, or metal knuckles. (C.G.S. Sec. 53a-3(6).)
4. **Electronic defense weapon** means a weapon which by electronic impulse or current is capable of immobilizing a person temporarily, but is not capable of inflicting death or serious physical injury. (C.G.S. Sec. 53a-3(20).)
5. **Expulsion** means an exclusion from school privileges for more than ten consecutive school days and shall be deemed to include, but not limited to, exclusion from the school to which such student was assigned as the time such disciplinary action was taken, provided such exclusion shall not extend beyond a period of one calendar year. (C.G.S. Sec. 233a(e), P.A. 95-304)
6. **Facsimile of a firearm** means (A) any nonfunctional imitation of an original firearm which was manufactured, designed and produced since 1898, or (B) any nonfunctional representation of a firearm other than an imitation of an original firearm, provided such representation could reasonably be perceived to be a real firearm. Such term does not include any look-a-like, non-firing, collector replica of an antique firearm developed prior to 1898, or traditional BB, or pellet-firing air gun that expels a metallic or paint-contained projectile through the force of air pressure. (C.G.S. Sec. 53-206c(a) (1).)

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Definition of Terms (continued)

7. **Firearm** means any sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver or other weapon, whether loaded or unloaded from which a shot may be discharged. (C.G.S. Sec. 53a-3(19).)
8. **Martial arts weapon** means a nunchaku, kama, kasari-fundo, octagon sai, tonfa or chinese star. (C.G.S. Sec. 53a-3(21).)
9. **Physical injury** means impairment of physical condition or pain. (C.G.S. Sec. 53a-3(3).)
10. **Possess** means to have physical possession or otherwise to exercise dominion or control over tangible property. (C.G.S. Sec. 53a-3(2).)
11. **Serious physical injury** means physical injury which creates a substantial risk of death, or which causes serious disfigurement, serious impairment of health or serious loss or impairment of the function of any bodily organ. (C.G.S. Sec. 53a-3(4).)
12. **Vehicle** means a “motor vehicle” as defined in Section 14-1, a snowmobile, any aircraft, or any vessel equipped for propulsion by mechanical means or sail. (C.G.S. Sec. 53a-3(8).)

III. Disciplinary Procedures

Students in violation of this policy shall be subject to the following disciplinary measures:

1. Possessing, using, carrying, drawing, exhibiting or brandishing a facsimile of a firearm in a threatening manner so as to frighten, vex or harass another person.
 - a. Suspension of up to 10 school days.
 - b. Mandatory referral to law enforcement agency.
 - c. Consideration of expulsion hearing as appropriate.
2. Possession and/or use of any dangerous instrument in a threatening manner so as to inflict bodily harm, or to intimidate, or to terrorize, frighten, vex or harass another person.
 - a. 10 school days suspension.
 - b. Mandatory referral to law enforcement agency.
 - c. Recommendation of expulsion hearing.

Students

Weapons and Dangerous Instruments (continued)

3. Use of any dangerous instrument to inflict physical injury, serious physical injury or death.
 - a. 10 school days suspension.
 - b. Mandatory referral to law enforcement agency.
 - c. Mandatory referral to expulsion proceedings.
4. Possession and/or use of a firearm, deadly weapon, dangerous instrument or martial arts weapons on or off school grounds or at a school sponsored activity.
 - a. 10 school days suspension.
 - b. Mandatory referral to law enforcement agency.
 - c. Mandatory referral to expulsion proceedings.
5. Possession of a firearm, or possession and use of a firearm, dangerous instrument, deadly weapon or martial arts weapon in the commission of a crime while off school grounds.
 - a. 10 school days suspension.
 - b. Mandatory referral to law enforcement agency.
 - c. Mandatory referral to expulsion proceedings.
 - (1) Such student shall be expelled for a period not to exceed one (1) calendar year if the Board of Education or impartial hearing board finds that the student did so possess a weapon as described in this section.
6. Possession and/or use of a dangerous weapon on or off school grounds or at a school sponsored activity.
 - a. Suspension of up to 10 school days.
 - b. Mandatory referral to law enforcement agency as appropriate.
 - c. Consideration of expulsion hearing as appropriate.
7. Possession and/or use of any other item, devise, instrument or weapon not specifically defined by law or conduct on school grounds or at a school sponsored activity is violative of a publicized policy of the Board of Education or is seriously disruptive of the educational process or endangers persons or property or whose conduct off school grounds is violative of such policy and is seriously disruptive of the educational process.
 - a. Suspension of up to 10 school days.
 - b. Mandatory referral to law enforcement agency as appropriate.
 - c. Consideration of expulsion hearing as appropriate.

Students and parents or guardians shall be notified of this policy annually.

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Weapons and Dangerous Instruments

(cf. 5114 - Suspension/ Expulsion; Due Process)

(cf. 5145.12 - Search and Seizure)

Legal Reference: Connecticut General Statutes

4- 176e through 4- 185 Uniform Administrative Procedure Act.

10-233a through 10-233f re in-school suspension, suspension, expulsion. (as amended by PA 98-139)

29-35 Carrying of pistol or revolver without permit prohibited.

29-38 Weapons in vehicles.

53a-3 Firearms and deadly weapons.

53-206 Carrying and sale of dangerous weapons.

53a-217b Possession of firearms and deadly weapons on school grounds.

PA 94-221 An Act Concerning School Safety.

18 U.S.C. 921 Definitions.

PL 103-382 Elementary and Secondary Education Act. (Sec. 14601 - Gun Free Requirements: Gun Free School Act of 1994)

PA 95-304 An Act Concerning School Safety.

PA 96-244 An Act Concerning Revisions to the Education Statutes.

Kyle P. Packer PPA Jane Packer v. Thomaston Board of Education. (SC 15862