

Dangerous Weapons in School

The possession of a weapon on School District property, in school buildings or at school sponsored events and activities is strictly prohibited, except by authorized law enforcement personnel (e.g., New York State Peace Officers and Police Officers). Any other individual in possession, including those with permits to carry weapons, will be asked to leave the premises and the proper police authorities will be immediately notified. If such individual is an employee of the School District, she/he will be subject to the discipline pursuant to the provisions of law and any applicable provision in a collectively negotiated agreement. Any student violating this policy shall be subject to suspension in accordance with the New York State Education Law, the Gun-Free Schools Act of 1994, if applicable, the Student Disciplinary Code, as well as referral to the proper police authorities.

For general purposes of this policy, a weapon is defined pursuant to the provisions of Section 265.01 of the New York State Penal Law and includes, but is not limited to: any firearm, electronic dart gun, knife, sword, billy blackjack, bludgeon, metal knuckles, razor, imitation pistol, or any other dangerous weapon or deadly instrument or object which is not necessary for school purposes and which could be used as a weapon (e.g., explosive, dangerous chemicals, ice pick, pellet gun, etc.).

Gun-Free Schools Act of 1994

Any student who is in possession of a weapon on school premises, as defined in the Gun-Free Schools Act of 1994¹, shall be subject to suspension from school, after a hearing has been held pursuant to Section 3214 of the New York State Education Law, for a period of not less than one year, subject only to the right of the Superintendent of Schools to modify such penalty for a student if the Superintendent believes that the one year or longer suspension penalty is excessive. The Superintendent shall make such decision on a case-by-case basis, based upon criteria, including but not limited to:

1. The age of the student;
2. The student's grades in school;
3. The student's prior disciplinary record;
4. The Superintendent's belief that other forms of discipline may be more effective;
5. Other relevant information from the parent(s), guardian(s), teacher(s) and or others;
6. Other extenuating circumstances.

¹Any firearm, 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 firearm; any firearm muffler or silencer; or any destructive device.

Dangerous Weapons in School - Students with Disabilities

In the case of a student with a disability who is in possession of a weapon on school premises or at school activities, she/he may be suspended for up to five (5) days, during which time the Committee on Special Education shall convene to determine whether the student's possession of the weapon is related to the student's disability. If determined to be unrelated to the student's disability, the student shall be subject to suspension from school, after a Section 3214 Education Law hearing has been held, in accordance with the Gun-Free School Act of 1994, for a period of at least one year, subject to modification by the Superintendent of Schools pursuant to the criteria referenced above. If it is determined that possession of the weapon is related to the student's disability, the student may be placed in an alternative educational setting, as determined by the Committee on Special Education, for a period of up to forty-five (45) days. If the student's parent or guardian shall request a due process impartial hearing during the period when the student is in the alternative educational placement, the student shall remain in the alternative placement during the pendency of the proceedings, unless the parent(s) and Committee on Special Education otherwise agree.