

WEAPONS IN SCHOOL

I. Generally

Possession or use of a weapon, whether operable or inoperable, including, but not limited to, knives, firearms, explosives and flammables, look-alikes, or any item that can be or is used as a weapon or to start a fire, in a school building, on school property, at a school-sponsored activity, or going to or from school, is prohibited. Students who violate this prohibition will be subject to disciplinary action up to and including expulsion. A violation will also be reported to law enforcement officials.

In accordance with state and federal law, a student who brings or possesses a firearm as defined in section 22.1-277.07(E) of the Code of Virginia or other weapon or device prohibited by section 22.1-277.07(A) of the Code of Virginia onto school property or to a school sponsored activity must be expelled for a minimum of 365 days. The School Board may determine, based on the facts of the particular case, that special circumstances exist and that another disciplinary action is appropriate. Nothing herein shall prohibit the Board from permanently expelling such student. In addition, the superintendent or his designee is authorized to conduct a preliminary review of the matter and determine whether disciplinary action other than expulsion is appropriate.

While the possession or use of any weapon is prohibited and may result in disciplinary action up to and including expulsion, the following weapons on school property or at school-sponsored events require an automatic recommendation of expulsion:

1. Any firearm. "Firearm" means any weapon, including a starter gun, that will, or is designed or may readily converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined in subsection E of § 15.2-915.4.
2. Any firearm muffler or firearm silencer.
3. Any pneumatic gun. "Pneumatic gun" means any implement, designed as a gun, that will expel a BB or a pellet by action of pneumatic pressure. "Pneumatic gun" includes a paintball gun that expels by action of pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.
4. Any destructive device. "Destructive device" means (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully

automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (iii) any combination of parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of § 18.2-308.2:2.

II. Students with Disabilities

- A. Students with disabilities are subject to the provisions of Section I of this policy and may be disciplined to the same extent as a nondisabled student provided the manifestation review committee determines that the violation was not a manifestation of the student's disability. The provisions of Policy JGDA will be followed in addition to the regular disciplinary procedures.
- B. Additional authority to remove a student with a disability from school for a weapons violation.
1. In addition to the authority granted in subsection A above, a student with a disability may also be removed without parent consent and assigned to an interim alternative education program by school personnel for not more than forty-five (45) school days when the student carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of a state or local education agency. This option is available regardless of whether a manifestation exists. The removal should not be in excess of any removal imposed on a student without a disability for the same offense.
 2. For purposes of this forty-five (45) school day removal, the weapon must meet the following definition:

“a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 1/2 inches in length.”

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Legal Refs.: 18 U.S.C. § 930(g)(2).

20 U.S.C. § 1415(k)(1)(G)(i).

Code of Virginia, §§ 15.2-915.4, 18.2-308, 18.2-308.1, 18.2-308.7, 22.1-277.07, 277.07:1.

Wood v. Henry County Public Schools, 255 Va. 85, 495 S.E.2d 255 (1998).

8 VAC 20-81-10.

Cross Refs.:	JGD/JGE	Student Suspension/Expulsion
	JFC	Student Conduct
	JGDA	Disciplining Students with Disabilities
	JGDB	Discipline of Students with Disabilities for Infliction of Serious Bodily Injury