

Weapon or Firearm Possession

It is the policy of the Chenango Valley Central School District that students shall not bring a weapon or firearm or possess a weapon or firearm on district property, on a district bus or vehicle, in district buildings, or at district sponsored activities or settings under the control or supervision of the district regardless of location. Additionally, no adult (as outlined by the law) shall bring a weapon or firearm or possess a weapon or firearms on district property, on a district bus or vehicle, in district buildings, or at district sponsored activities or settings under the control or supervision of the district regardless of location.

For purposes of this policy, the term “firearm” will be as defined in 18 U.S.C. 921(a).

For the purposes of this policy, the term "weapon" will be as defined in 18 U.S.C. 930(g)(2).

Violation of this policy by a student will result in a disciplinary hearing pursuant to Education Law Section 3214. The penalty for violation of this policy by a student is an expulsion for not less than one year. The Superintendent may modify this penalty on a case-by-case basis taking into consideration the totality of circumstances surrounding the offense and the student’s previous record. Appropriate alternative instruction as required by New York Law must be provided to a student during the period of his or her suspension.

For students who are classified disabled under the Individuals with Disabilities Education Act (IDEA) and Part 200 of the Commissioner’s Regulations, a suspension for more than ten days constitutes a change of placement. If a violation of this policy involves a student with a disability, the district is required to adhere to not only Education Law Section 3214, but also Commissioner’s Part 200 Regulation, federal law and regulations, and the district’s policy and procedures regarding pupils with disabilities prior to invoking a penalty of more than ten days for such student.

The Superintendent shall refer a student under the age of sixteen who has been determined to have violated this policy to a presentment agency for a juvenile delinquency proceeding consistent with Article 3 of the Family Court Act. The Superintendent shall refer any pupil sixteen years of age or older who has been determined to have violated this policy to the appropriate law enforcement officials.

School districts receiving funding assistance from the state that is derived from funds made available under the Elementary and Secondary Education Act must provide in their application for assistance: (1) An assurance that the district has the required firearms policy in effect, and (2) A description of the circumstances surrounding any expulsions imposed under this policy, including the name of the school concerned, the numbers of students expelled from the school and the types of weapon involved.

CHENANGO VALLEY CENTRAL SCHOOL DISTRICT
SECTION IV – Policy No. 16 – Weapon or Firearm Possession (CV policy)

Legal review: Jan. 2016, May 2020

Adopted: 06/20/94

Reviewed: 03/20/02, 03/17/04, 01/16/08, 06/22/22, 05/22/24

Revised: 04/12/00, 04/19/06, 04/23/14, 03/16/16, 05/16/18, 07/07/20

This policy complies with the requirements of the Gun-Free Schools Act, and the Commissioner's Decisions which have found automatic suspension penalties contrary to New York Law. (See, Appeal of Nathaniel D., 32 Ed. Dept. Rep. 67 – permanent suspension of a student is an “extreme penalty, which is generally educationally unsound except under the most extraordinary circumstances.”) (Appeal of Troy R., 29 Ed. Dept. Rep. 424 – District must examine the circumstances surrounding an incident prior to imposing a long-term suspension from school, and declaring mandatory suspension policies in violation of 8 NYCRR 100.2(1)(1)(vi) and 8 NYCRR 100.2).