

### Firearms Possession

It is the policy of the Chenango Valley Central School District that students shall not bring firearms or possess firearms on the property of the school district, in its buildings, in its vehicles, or any other vehicles on school district property. Additionally, no adult (unless specifically authorized by law) shall bring firearms or possess firearms on the property of the school district, in its buildings, in its vehicles, or any other vehicles on school district property.

For purposes of this policy, the term “firearm” is defined as in federal law. Specifically, a firearm is: 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. The term does not include an antique firearm, which is defined as any firearm manufactured in or before 1898 (18 U.S.C. Section 921).

Violation of this policy by a student will result in a disciplinary hearing pursuant to Education Law Section 3214. The student penalty is an expulsion of the student for not less than one year. This penalty may be modified by the Superintendent 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. The district, in the event of a violation of this policy involving a student with a disability, 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 a student with a disability.

The Superintendent shall refer a student under the age of sixteen who has been determined to have brought a firearm to school or possessed a firearm in violation of 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 brought a firearm to school or possessed a firearm in violation of this subdivision 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 - Firearms Possession (CV policy)

Jan. 2016/Legal review

Adopted: 06/20/94

Reviewed: 03/20/02, 03/17/04, 01/16/08

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

The 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).