

# SMYRNA SCHOOL DISTRICT

## District Policy

**Article: 5000 Students**

**Title: Possession of Firearms or Other Weapons**

**Policy #: 5115**

To address the needs of the district and to comply with the Federal "Gun Free Schools Act of 1994", the District adopts the following policy:

Any student who is determined to have brought a firearm or other weapon to school, or who is determined to be in possession of a firearm or other weapons on school property, in a school bus, or at any school-sponsored event or activity shall be subject to expulsion for a period of not less than one hundred and eighty [180] school days. A violation of this policy shall result in a recommendation for expulsion, which recommendation may be modified by the Superintendent, subject to approval by the Board of Education, on a case-by-case basis, and as required by Federal and/or State law.

This policy shall apply to all students and the applicable Federal and State law will be followed. If a disabled student violates the policy, prior to any discipline or change in placement, a determination will be made as to whether or not the violation of this policy and/or the Gun Free Schools Act was due to the student's disabling condition.

The modification, on a case-by-case basis, of the recommendation shall be based, among other things, on the nature and circumstances of the violation, and the age and educational needs of the student involved. The student may be recommended to receive educational services in an alternative setting, including, but not limited to, an alternative school, evening school, or homebound instructional setting. The decision as to which of these alternatives will best suit the needs of the student will be made by the administration and be subject to approval by the Superintendent and Board of Education.

"Firearm" is defined in Section 921 of Title 18, United States Code, a copy of which is attached hereto and incorporated herein by reference. The term "weapon" includes but is not limited to, any instrument from which a shot may be discharged, including the discharge of a pellet, slug, bullet, or BB shot by compressed air or by spring discharge; any rifle or gun [loaded or unloaded, operable or inoperable]; a knife of any sort, including, but not limited to, a switchblade knife; a hunting knife, or a pocket knife; billy; blackjack; bludgeon; metal knuckles; slingshot; razor; bicycle chain; ice pick; any mace derivative or tear gas device; spiked glove; any other article commonly used or designated to inflict bodily harm or to intimidate others, or any other article commonly used for other purposes, which is being used in an aggressive or threatening manner.

Approved by the Board of Education, November 16, 1994  
Revision approved by Board of Education, July 30, 1996  
Revision approved by Board of Education, November 18, 2015

## DEFINITION OF FIREARM

Attachment to Policy 5115

- (1) The term "firearm" means (A) 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; (B) the frame or receiver of any weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.
- (2) The term "destructive device" means --
  - (A) any explosive, incendiary, or poison gas --
    - (i) bomb,
    - (ii) grenade,
    - (iii) rocket having a propellant charge of more than four ounces,
    - (iv) missile having an explosive or incendiary charge of more than one-quarter ounce,
    - (v) mine, or
    - (vi) device similar to any of the devices described in the preceding clauses;
  - (B) any type of weapon (other than a shotgun or a shotgun shell which the Attorney General finds is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by an action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and
  - (C) any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

The term "destructive device" shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordnance sold, loaned, or given by the Secretary of the Army pursuant to the provisions of section 4684(2), 4685, or 4686 of title 10; or any other device which the Attorney General finds is not likely to be used as a weapon, is an antique, or is a rifle which the owner intends to use solely for sporting, recreational or cultural purposes.

- (3) The term "shotgun" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire through a smooth bore either a number of ball shot or a single projectile for each single pull of the trigger.
- (4) The term "short-barreled shotgun" means a shotgun having one or more barrels less than eighteen inches in length and any weapon made from a shotgun (whether by alteration, modification or otherwise) if such a weapon as modified has an overall length of less than twenty-six inches.
- (5) The term "rifle" means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and designed or redesigned and made or remade to use the energy of an explosive to fire only a single projectile through a rifled bore for each single pull of the trigger.

- (6) The term “short-barreled rifle” means a rifle having one or more barrels less than sixteen inches in length and any weapon made from a rifle (whether by alteration, modification, or otherwise) if such weapon, as modified, has an overall length of less than twenty-six inches.
- (7) The term “antique firearm” means—
  - (A) any firearm (including any firearm with a matchlock, flintlock percussion cap, or similar type of ignition system) manufactured in or before 1898; or
  - (B) any replica of any firearm described in subparagraph (A) if such replica—
    - (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition, or
    - (ii) uses rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; or
  - (C) any muzzle loading rifle, muzzle loading shotgun, or muzzle loading pistol, which is designed to use black powder, or a black powder substitute, and which cannot use fixed ammunition. For purposes of this subparagraph, the term “antique firearm” shall not include any weapon which incorporates a firearm frame or receiver, any firearm which is converted into a muzzle loading weapon, or any muzzle loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.
- (8)
  - (A) The term “ammunition” means ammunition or cartridge cases, primers, bullets, or propellant powder designed for use in any firearm.
  - (B) The term “armor piercing ammunition” means—
    - (i) a projectile or projectile core which may be used in a handgun and which is constructed entirely (excluding the presence of traces of other substances) from one or a combination of tungsten alloys, steel, iron, brass, bronze, beryllium copper, or depleted uranium; or
    - (ii) a full jacketed projectile larger than .22 caliber designed and intended for use in a handgun and whose jacket has a weight of more than 25 percent of the total weight of the projectile.
  - (C) The term “armor piercing ammunition” does not include shotgun shot required by Federal or State environmental or game regulations for hunting purposes, a frangible projectile designed for target shooting, a projectile which the Attorney General finds is primarily intended to be used for sporting purposes, or any other projectile or projectile core which the Attorney General finds is intended to be used for industrial purposes, including a charge used in an oil and gas well perforating device.
- (9) The term “machinegun” has the meaning given such term in section 5845(b) of the National Firearms Act (26 U.S.C. 5845(b)).
- (10) The terms “firearm silencer” and “firearm muffler” mean any device for silencing, muffling, or diminishing the report of a portable firearm, including any combination of parts, designed or redesigned, and intended for use in assembling or fabricating a firearm silencer or firearm muffler, and any part intended only for use in such assembly or fabrication.

- (11) The term “semiautomatic rifle” means any repeating rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.
- (12) The term “handgun” means—
  - (A) a firearm which has a short stock and is designed to be held and fired by the use of a single hand; and
  - (B) any combination of parts from which a firearm described in subparagraph (A) can be assembled.