



FEDERAL ZERO TOLERANCE REQUIREMENT

Each State shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school.

20 USC § 7151

FEDERAL ZERO TOLERANCE REQUIREMENT

EXCEPTION:

**State law shall allow modification of the one year
expulsion requirement for a student on a
case-by- case basis.**

20 USC § 7151

FEDERAL DEFINITION OF FIREARM

FIREARM means

- 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 any such weapon;
- Any firearm muffler or firearm silencer; or
- Any destructive device.

18 USC § 921

FEDERAL DEFINITION OF FIREARM

DESTRUCTIVE DEVICE means

- Any explosive, incendiary, or poison gasBomb
 - Grenade
 - Rocket
 - Missile
 - Mine

18 USC § 921

CONSEQUENCES OF BRINGING A WEAPON TO SCHOOL IN NEW YORK

- Suspension
 - Any student who is determined to have brought a weapon to school shall be suspended for a period of not less than one calendar year.
 - Case by case review can lessen.

Education Law § 3214 (effective 6/30/13)

CONSEQUENCES OF BRINGING A WEAPON TO SCHOOL IN NEW YORK

- Referral for Prosecution

A superintendent shall refer :

- any student under 16 who has been determined to have brought a weapon to school to a presentment agency for a juvenile delinquency proceeding
- any student 16 or older or a student 14 or 15 years of age who qualifies for juvenile offender status who has been determined to have brought a weapon to school to the appropriate law enforcement officials.

Education Law § 3214 (effective 6/30/13)

DEFINITIONS

VIOLENT PUPIL

...an elementary or secondary student under twenty-one years of age who:

- (1) commits an act of violence upon a teacher, administrator or other school employee;
- (2) commits, while on school district property, an act of violence upon another student or any other person lawfully upon said property;

Education Law § 3214

DEFINITIONS

VIOLENT PUPIL cont.

- (3) possesses, while on school district property, a gun, knife, explosive or incendiary bomb, or other dangerous instrument capable of causing physical injury or death;
- 4) displays, while on school district property, what appears to be a gun, knife, explosive or incendiary bomb or other dangerous instrument capable of causing death or physical injury;

Education Law § 3214

DEFINITIONS

VIOLENT PUPIL contd.

- (5) threatens, while on school district property, to use any instrument that appears capable of causing physical injury or death;
- (6) knowingly and intentionally damages or destroys the personal property of a teacher, administrator, other school district employee or any person lawfully upon school district property; or
- (7) knowingly and intentionally damages or destroys school district property.

Education Law § 3214

DEFINITIONS

DISRUPTIVE PUPIL

...an elementary or secondary student under twenty-one years of age who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

Education Law § 3214

DEFINITIONS

School delinquent.

A minor under 17 years of age, required to attend school, who is an habitual truant from such instruction is irregular in such attendance
insubordinate
disorderly
disruptive
violent during such attendance

Education Law § 3214

DEFINITIONS

- **REPEATEDLY SUBSTANTIALLY DISRUPTIVE** of the educational process or substantially interferes with the teacher's authority over the classroom shall mean:
 - Engaging in conduct which results in the removal of the student from the classroom by teacher(s) on 4 or more occasions during a semester, or 3 or more occasions during a trimester, as applicable.

Education Law § 3214

WHO MAY BE SUSPENDED?

- A student who is insubordinate or disorderly or violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others may be suspended.
- A violent student is subject to a minimum suspension as determined by the local school board.

Education Law §§ 2801, 3214

WHO MAY BE SUSPENDED?

- A student who is repeatedly substantially disruptive is subject to a minimum suspension period as determined by the local school board.

Education Law § 2801, 3214

DIGNITY FOR ALL STUDENTS ACT

The Dignity Act emphasizes and requires

- creation and maintenance of a positive learning environment for all students. In addition,
- development of measured, balanced, and age appropriate responses to the discrimination and harassment of students by students and/or employees on school property, school functions,
- with remedies and procedures focusing on intervention and education.

Chapter 482 of the Laws of 2010

DIGNITY FOR ALL STUDENTS ACT

Remedial responses :

- **should place the focus of discipline on discerning and correcting the reasons why discrimination and harassment occurred.**
- **should also be designed to correct the problem behavior,**
- **prevent another occurrence of the behavior, and**
- **protect the target of the act.**

Chapter 482 of the Laws of 2010

DIGNITY FOR ALL STUDENTS ACT

Remedial measures may include, but are not limited to:

- **peer support groups;**
- **corrective instruction or other relevant learning or service experience;**
- **supportive intervention;**
- **behavioral assessment or evaluation;**
- **behavioral management plans, with benchmarks that are closely monitored;**
- **student counseling and**
- **parent conferences.**

Chapter 482 of the Laws of 2010

