

Section 9-12.2. Weapons and children with disability. — A. Students with disabilities are subject to the provisions of Weapons 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 Chapter 9, Article 19, Suspension of Students with Disabilities, will be followed in addition to the regular disciplinary procedures in Chapter 9, Article 18 – Student Suspension/Expulsion.

B. 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 educational 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. If no manifestation is found, the student may be disciplined to the extent that a student without disabilities would be disciplined.

C. 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 ½ inches in length.” The term serious bodily injury has the same meaning given the term “serious bodily injury” under paragraph (3) of subsection (h) of section 1365 of title 18 of the United States Code. (Adopted August 14, 1997; Revised: June 13, 2013; Ordinance Number 12/13-100; Effective Date: July 1, 2013)

Legal Authority - §§ ~~22-1.214~~ ~~15-2-915.4~~, ~~18-2-308~~, ~~18-2-308.1~~, ~~18-2-308.7~~, ~~22-1-277.07~~, ~~22-1-277.07:1~~, ~~22-1-280.2:4~~. (1950), as amended and 8 VAC 20-81-10, 8 VAC 20-81-160. 18 U.S.C. § 1365(h)(3), 20 U.S.C. § 1415(k)(1)(G)(iii), 34 C.F.R. §§ 300.530(g) and 300.530(i)(3).