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WEAPONS IN SCHOOLS

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You asked whether (1) Connecticut statutes or regulations provide a uniform discipline policy for school weapon incidents and (2) Connecticut or other states have initiatives to deter such incidents in schools.

SUMMARY

Connecticut law imposes a uniform discipline policy with respect to students who bring firearms, deadly weapons, dangerous instruments, or martial arts weapons to school or to off-campus school activities. Also, students who carry a firearm or deadly weapon face criminal charges under Connecticut's penal code.

This uniform expulsion policy does not extend to students who possess other categories of potentially dangerous objects or devices. In these cases, individual school districts determine the appropriate discipline, which may include suspension.

Many school districts and states have taken steps to deter students from bringing weapons and other potentially dangerous devices to school. Initiatives include (1) peer reporting, (2) search and seizure, (3) policing, (4) code of conduct revisions, (5) violence reduction education, and (6) social/emotional intervention. Current initiatives promoted by the Connecticut State Department of Education (SDE) consist mainly of social/emotional intervention techniques that address a range of behavior problems.

Notably, some initiatives to deter weapons in school have faced constitutional challenges. Federal and state courts have weighed in on whether various weapons deterrent initiatives violate students' constitutional rights under the First and Fourteenth Amendments, as well as under the civil rights acts.

CONNECTICUT POLICY

Uniform Discipline Policy for Weapons Incidents

Connecticut students face expulsion if they bring weapons to school that fall into one of four categories, as well as criminal charges for two of these categories.

Expulsion. By law, any student who possesses a firearm, deadly weapon, dangerous instrument, or martial arts weapon on school grounds or at a school-sponsored activity faces mandatory expulsion for one calendar year ([CGS § 10-233d\(a\)\(2\)](#)). (The federal Gun Free Schools Act of 1994 requires states to adopt this one-year expulsion requirement in order to maintain federal funding for elementary and secondary schools.) Table 1 describes these four weapon categories requiring mandatory expulsion.

Table 1: Categories of Weapons Requiring Expulsion

Weapon Category	Descriptions & Examples
1. Firearm	<ul style="list-style-type: none"> Any weapon that can expel a projectile by the action of an explosive; a firearm frame, receiver, muffler, or silencer; or any destructive device, which includes explosives, incendiaries, and poison gases (but not rifles intended for sporting, recreational, or cultural purposes or knives) (18 USC § 921(a)(3)-(4))
2. Deadly Weapon	<ul style="list-style-type: none"> Any device from which a shot can be discharged, a switchblade or gravity knife, billy, blackjack, bludgeon, or metal knuckles (CGS § 53a-3(6)) An air pistol, such as a pellet gun (<i>State v. Hardy</i>, 278 Conn. 113 (2006))
3. Dangerous Instrument	<ul style="list-style-type: none"> A device or animal that, under the circumstances in which it is used, can cause death or serious injury, including an attack dog or a vehicle (CGS § 53a-3(7))
4. Martial Arts Weapon	<ul style="list-style-type: none"> A nunchaku, kama, kasari-fundo, octagon sai, tonfa, or chinese star (CGS § 53a-3(21))

When a student is expelled for possessing these types of weapons, the board of education is not required to offer the student an alternative educational opportunity ([CGS § 10-233d\(e\)](#)). (State law typically requires this for expelled students who are younger than age 16 and for those between ages 16 and 18 when first expelled ([CGS § 10-233d\(d\)](#))).

Furthermore, the local board of education must report the incident to the local police department ([CGS § 10-233d\(e\)](#)). (If the student attends a technical high school, then the Connecticut Technical High School System Board must report the incident to the state police.)

Criminal Charges. A student who carries a firearm or deadly weapon on school grounds is also subject to state criminal charges. The student is guilty of a class D felony for knowingly possessing a firearm (e.g., sawed-off shotgun, machine gun, rifle, shotgun, pistol, revolver, or other weapon that can discharge a shot) ([CGS § 53a-3\(19\)](#)) or deadly weapon (as defined in Table 1).

The student faces these charges if he or she possessed the firearm or weapon (1) in or on the grounds of a public or private elementary or high school or (2) at a school-sponsored activity ([CGS § 53a-217b\(a\)](#)). A school-sponsored activity includes any activity sponsored, recognized, or authorized by a board of education, occurring either on or off school property (e.g., a graduation prom in a hotel ballroom) ([CGS § 10-233a\(h\)](#)).

School personnel can enforce this prohibition even when the student carrying a firearm has a permit. A permit does not authorize a person to carry a weapon where the law otherwise prohibits it ([CGS § 29-28\(e\)](#)).

Discretionary Discipline for Weapons Incidents

If a student brings a weapon to school that does not fall within Table 1's four categories, then the school administration may choose its own punishment, which, by law, includes suspension. (Attachment 1 gives examples of potentially dangerous devices and objects subject to discretionary discipline. School districts use these categories for incident reporting purposes.)

To warrant a suspension under state law, a student's conduct on school grounds or at a school-sponsored activity must (1) violate a publicized school board policy, (2) seriously disrupt the educational process, or (3) endanger people or property ([CGS § 10-233c\(a\)](#)). When a student possesses a weapon, school administrators could conclude that one or several of such conditions have occurred, thereby justifying suspension.

State law does not require or recommend a specific length of time for the suspension. However, it does require the student to serve the suspension in school, unless the administration determines that the student:

1. poses a danger to the people or property of the school,
2. poses a disruption to the educational process if he or she were to serve the suspension in school,
3. deserves out-of-school suspension due to previous suspension or expulsion, or
4. has not responded to behavioral support strategies previously offered by the administration ([CGS § 10-233c\(g\)](#)).

INITIATIVES TO PREVENT WEAPONS IN SCHOOLS

Nationwide Initiatives

The Office of Juvenile Justice and Delinquency Prevention (OJJDP), the National Institute of Justice (NIJ), the American Psychological Association (APA), the National Association of School Psychologists (NASP), the U.S. Department of Justice’s Office for Victims of Crime (OVC), and the media have reported on common strategies used by school districts nationwide to prevent or intervene in the use of weapons in schools. They include (1) peer reporting, (2) search and seizure, (3) policing, (4) code of conduct revisions, (5) violence reduction education, and (6) social/emotional intervention aimed at identifying and monitoring potentially law-violating students.

Table 2 describes these initiatives, which range from specific steps for detecting weapons to broader measures for creating a safe and secure school climate. Many of these initiatives have been developed in the 1990s and continue to be utilized today.

Table 2: Initiatives Addressing Weapons in Schools*

<i>Initiative</i>	<i>Description</i>
<i>Peer Reporting</i>	
Student texting system (Fort Bend Independent School District, TX; click2houston.com , 8/27/13)	<ul style="list-style-type: none"> • Allows students to instantly text police if they see a classmate with an illegal weapon
Anonymous hotline (George Washington High School, San Francisco, CA; OJJDP bulletin)	<ul style="list-style-type: none"> • Allows anonymous reporting of weapons and other school-associated violence and crime
“Telling is not tattling” word-of-mouth campaign (OJJDP bulletin; APA)	<ul style="list-style-type: none"> • Encourages students to break their informal code of silence (i.e., “no snitching”)
Weapons detectors (OJJDP bulletin)	<ul style="list-style-type: none"> • Prevents weapons concealment using handheld or permanent metal detectors

Initiative	Description
See-through book bags (OJJDP bulletin)	<ul style="list-style-type: none"> Prevents weapons concealment using a noninvasive, visual search
Removed or locked lockers (OJJDP bulletin)	<ul style="list-style-type: none"> Eliminates place for students to store weapons
Locker searches (OJJDP bulletin)	<ul style="list-style-type: none"> Allows administrators to check for weapons
Policing	
School resource officers (SROs) (OJJDP bulletin)	<ul style="list-style-type: none"> Places sworn officers in targeted schools
Video monitoring of hallways (NIJ survey)	<ul style="list-style-type: none"> Provides constant surveillance of student activity
Code of Conduct Revision	
Automatic suspension for all weapons violations (NIJ survey)	<ul style="list-style-type: none"> Deters weapons possession on campus using a “no tolerance” disciplinary policy
Revised dress code policy (NIJ survey)	<ul style="list-style-type: none"> Prevents students from wearing accessories that could be used as weapons (e.g., studded belts or necklaces) (see Attachment 1 weapon category “inappropriate clothing considered dangerous”)
Violence Reduction Education	
Public awareness campaigns (Boston, MA; OJJDP bulletin)	<ul style="list-style-type: none"> Reminds citizens of the costs of violence (Massachusetts erected 200 billboards around the state depicting the faces of children and other victims of gun violence)
Public service gifts/donation of teaching materials (Baltimore, MD; OJJDP bulletin)	<ul style="list-style-type: none"> Provides teaching aids that show the effects of gun violence (National Emergency Medicine Association donated 350 free <i>In a Flash</i> videos and teaching aids to public, private, and special education Baltimore schools)
Conflict resolution and multicultural programs (NIJ survey)	<ul style="list-style-type: none"> Teaches students nonviolent problem solving methods and empathy
Social/Emotional Intervention	
Partnerships between schools and mental health, child protective services, and juvenile probation agencies (OJJDP bulletin)	<ul style="list-style-type: none"> Helps identify and monitor potentially law-violating students
School threat assessment teams (APA)	<ul style="list-style-type: none"> Uses research and clinical knowledge to identify students who pose a threat of violence; psychologists should join the teams
Aggression management curricula (NASP)	<ul style="list-style-type: none"> Uses cognitive behavioral training (anger coping program; “Think First” program) or skills-based lessons (“Second Step” program) to teach an understanding of violence, empathy, problem solving, and anger management so students will avoid resorting to weapons and violence to resolve conflicts

Initiative	Description
Safe Harbor program (US Dept. of Justice, OVC)	Program components include: <ul style="list-style-type: none"> • victim assistance/violence prevention curriculum using role playing to teach skills that can be transferred to real-life situations • individual and group counseling for victimized youth • parent involvement and staff training designed to buffer youth from exposure to violence • structured group activities promoting positive peer relationships • school-wide antiviolence campaign building a cohesive culture in the school and provide youth leadership opportunities

*Sources: OJJDP's Juvenile Justice Bulletin *Combating Fear and Restoring Safety in Schools* (Apr. 1998); NIJ's "Research in Brief": *High School Youths, Weapons, and Violence: A National Survey* (Oct. 1998); APA's "Recommendations to Prevent Gun-Related Violence" (<http://www.apa.org/about/gr/issues/violence/gun-related.aspx>); NASP's "Preventing School Violence: A Plan for Safe and Engaging Schools" (Sept. 2005); US Dept. of Justice/OVC bulletin *Safe Harbor: A School-Based Victim Assistance/Violence Prevention Program* (Jan. 2003).

Connecticut Initiatives

According to a spokesperson from SDE, the department does not currently sponsor any programs aimed specifically at deterring students from bringing weapons and other potentially dangerous objects to school. However, the department promotes social/emotional intervention initiatives that address a broad range of problem behaviors. SDE refers to them as "true prevention" programs because they seek to establish a safe school climate where students do not feel the need to carry weapons for self-defense.

SDE endorses two "true prevention" programs: the Connecticut Accountability Learning Initiative (CALI) and Responsive Classroom.

CALI Professional Development. SDE offers the CALI professional development "module" Improving School Climate to Support Student Achievement: Creating Climates of Respect. According to SDE's October 2011 CALI publication, this two-day session requires participants to focus on principles, practices, and strategies to establish the kind of positive and respectful school climate students need to learn. The training provides participants with the skills necessary to collect appropriate data, create school climate improvement plans, and implement them in their respective schools.

Responsive Classroom. SDE recommends “Responsive Classroom” as a behavior management technique in its March 2013 list of online resources for physical education and physical activity. The Responsive Classroom [approach](#) consists of ten classroom practices that aim to teach children a set of social skills consisting of cooperation, assertiveness, responsibility, empathy, and self-control.

CONSTITUTIONAL CHALLENGES

Students and their parents have historically brought constitutional challenges against several weapons deterrence initiatives, the outcomes of which could affect state and local education policy. Many of these challenges concerned dress codes and locker searches.

Dress Code

Students and parents occasionally challenge student dress code regulations, relying on First Amendment freedom of speech rights, the Due Process and Equal Protection Clauses of the Fourteenth Amendment, and the federal civil rights acts. However, boards of education have prevailed when the dress code rule is designed to prevent weapons concealment.

In determining a dress code’s constitutionality, courts have generally focused on whether the provisions of the code promote legitimate educational interests, including student safety. For instance, a court would likely uphold a policy that prohibits dangerous jewelry, such as multi-fingered rings which could be used as weapons in a fist fight.

In 1999 the Connecticut Superior Court upheld a Waterbury school uniform policy in the interest of promoting student safety. Evidence was presented to the court showing that the uniform dress policy prevented the wearing of baggy jeans, which could conceal weapons. *Byars v. City of Waterbury*, 1999 WL 391033 (Conn. Super. June 4, 1999).

Locker Searches

Searches of student lockers must comply with the Fourth Amendment, which protects persons from unreasonable searches and seizures by government agents. The U.S. Supreme Court explicitly held in 1985 that students are protected by this principle. *New Jersey v. T.L.O.*, 469 U.S. 325 (1985). Moreover, when a search is conducted without complying with Fourth Amendment requirements, students may claim a violation of their civil rights under federal law (42 USC § 1983) and even recover damages.

Connecticut statute allows local and regional, as well as private elementary and secondary schools, to authorize a school or law enforcement search of lockers and other school property to look for weapons (CGS § 54-33n). In order for the weapon search to occur, (1) there must be reasonable grounds for suspecting that the search will turn up a weapon and (2) the search measures used must be reasonably related to the objective of the search and not excessively intrusive in light of the student's age and sex, and the nature of the infraction. These two requirements mirror the U.S. Supreme Court's student search standards in *New Jersey v. T.L.O.*

Attachment 1: Weapons Descriptions for District Reporting*

Weapon Type	Description / Example(s)
Knife 2.5" or greater	Steak knife, hunting knife, etc.
Knife smaller than 2.5"	Pen knife, boy or girl scout pocket knife
Box cutter	A small tool that is made for opening cardboard boxes; has a very sharp blade that can be pushed in and out of its case
Pencil/pen	When used in a stabbing incident
Razor blade	A thin, sharp-edged piece of steel that can be fitted into a razor
Sword/machete/long knife	
Shank	Homemade weapon/knife
Handgun	Any authentic firearm that can be held and fired with one hand such as a revolver or a pistol
Rifle/shotgun	A gun that has a long barrel and that is held against your shoulder when you shoot it
Toy gun/water gun/cap gun	
Pellet/BB gun/air gun	Includes homemade blow guns/pea shooters
Slingshot	A Y-shaped stick with an elastic strip between the prongs for propelling stones and other small objects
Ammunition	Any bullet or bullet-like object that can be fired from a weapon
Stun gun	A battery-powered, hand-held weapon that fires an electric charge when held against a person and activated by a trigger or button; used particularly by police to immobilize a person briefly and without injury
Paint gun	An air gun for firing paint capsules
Facsimile of gun	
Explosive devices	Pipe bomb; chemical bomb or other types of explosive devices meant to kill or harm
Stink bomb/smoke bomb	A small bomb made to emit a foul smell or smoke on exploding
Fireworks/firecrackers	A small explosive charge and a fuse in a heavy paper casing, exploded to make noise and/or firework
Facsimile of bomb	
Flame thrower	Homemade flame thrower; for example, using aerosol can and fire
Defensive device	Gas repellent, mace, chemical/pepper spray

Weapon Type	Description / Example(s)
Any projectile (high risk)	Any object that can be thrown such as rocks, bricks, etc.; generally can cause an injury
Any projectile (low risk)	Any object that can be thrown or used to project such as a rubber band, crumpled paper, etc.; generally cannot cause injury
Office school supplies (sharp)	Thumb tacks/paper clips
Office school supplies (blunt)	Stapler, books
Furniture	Desk, chair, table, door, window, etc.
Belt/rope	Any materials that can be used to tie-up, strike, or otherwise harm an individual
Pen shocker/zapper	
Chain, wire rope, etc.	
Martial arts device	E.g., Chinese star
Brass knuckles	A band of metal with four holes that fits over the upper fingers and is gripped when a fist is made; used for increasing the effect of a blow with the fist
Baton/billy club	A heavy stick that is generally carried by police officers and is used as a weapon
Blunt tools	Multi-tool pliers, wrench, hammer, dye tap, etc.
Nail gun	A mechanical device for driving nails into an object by the force of compressed air
Grooming tools	Tweezers, nail clippers, nail file, comb, etc.
Sharp tools	Drill bits, seam ripper, sewing tools, meat thermometer, screwdriver, letter opener, cork screw
School supplies	Compass, calipers, scissors, etc.
Flare gun	
Hatchet/axe	
Sport equipment/sticks	Baseball bat, hockey sticks, sticks, umbrella
Medical equipment	Crutches, cane
Pocketbook	Book bag, gym bag, backpack
Butter knife/table knife	Not a steak knife
Plastic knife	
Switch blade	A knife that has a blade inside the handle which springs out when a button is pressed
Facsimile of other weapon	(Include additional information when reporting)
Laser pointer	A small pointing device that emits an intense beam of light; used during presentations to point out items on visuals
Lighter/matches	
Inappropriate clothing considered dangerous	Inappropriate clothing considered dangerous/possibly a weapon; studded necklace, belts, etc.

*Each local or regional public school district must report specific weapon incidents to SDE (Conn. Agencies Regs. § 10-4-9(w)) using the online ED 166 Student Disciplinary Data Collection system (<http://www.csde.state.ct.us/public/ed166/>). SDE then uses the data to satisfy the federal Gun Free Schools Disciplinary Report mandate.

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