



COLORADO DEPARTMENT OF EDUCATION

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To: Consolidated Application Authorized Reps and Coordinators for each Title Program
From: Janelle Krueger, Principal Consultant
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Date: Feb. 24, 2010
Re: Gun-Free Schools Act Policy Review

The collection of the Gun-Free Schools Act policy that was halted last October will resume in April.

This policy will be collected from districts by their uploading it via the Colorado Federal Integrated Review System's (CFIRS) Tracker on-line system.

It is due April 15th.

Compliance with the policy is a condition of receiving all NCLB funds, not only Title IV-A.

IMPORTANT: Policy Updates May be Necessary Now to be Compliant in April

This law is very technical. Districts are asked to carefully check the language of their weapon or firearm expulsion-related policy to ensure it covers the following three requirements:

1. Mandatory expulsion 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,
2. Allowance by the Superintendent to modify the length/term of the expulsion on a case-by-case basis if such modification is in writing, and
3. Mandatory referral to the criminal justice or juvenile delinquency system (which can be local law enforcement) of any student who brings a firearm or weapon to a school.

For clear alignment to the federal law, it is further recommended that the policy refer to the definition of firearm referenced in the Gun-Free Schools Act, which is section 921(a) of title 18, United States Code.

OPTIONAL: It is also further recommended, because it's required by law and annually collected by CDE, that a district's policy require that a record be kept of all firearm expulsions. The record is to include a description of the circumstances surrounding any expulsion that, at a minimum, includes: 1) the name of the school concerned, 2) the number of students expelled from such school, and 3) the type of firearms concerned. (Additional information collected is the number of expulsions modified and of those, how many were IDEA students, and, how many students were referred to "alternative placements" which refers to being educationally served through alternative means.)

A note about the CASB Model Policy

CASB sent to their membership on Feb. 5th a revised sample policy JICI, *Weapons in School* and a new sample exhibit JICI-E. CASB and CDE collaborated to revisit amendments to state statute that do not align exactly with the federal Act. We worked in a spirit of cooperation to ensure that districts would not be penalized in CDE's review because of this conflict with state statute. CDE greatly appreciates their help and expertise. Know that all CASB members who adopt CASB's revised policy will automatically be considered to be in compliance with the Gun-Free Schools Act per CDE's review of this policy in April.

Please do not hesitate to contact me with any questions or concerns prior to the April 15th collection.