

**600 Discipline and School Climate**

**603 Compliance with the Gun Free Schools Act**

**1.0 Written Policy Required**

Each school district and charter school requesting assistance under the Elementary and Secondary Education Act (ESEA) shall have a written policy implementing the Gun Free Schools Act [(20 USC §4141) (20 USC §7151)] and 11 **Del.C.** §1457(j) or its successor statute. At a minimum, the policy must contain the following elements:

- 1.1 A student who is determined to have brought a firearm to school, or to have possessed a firearm at school, shall be expelled for not less than one year.
- 1.2 Modification to the expulsion requirement may be made on a case by case basis by the chief school officer. Any modification to the expulsion requirement must be made in writing to the Department.
- 1.3 The definition of "**Firearm**" shall be the same as the meaning given to the term in the federal Gun-Free Schools Zone Act.

**12 DE Reg. 325 (09/01/08)**

**2.0 Submission of the Policy to the State Department of Education**

Each school district and charter school requesting assistance under the ESEA shall submit the following to the Delaware Department of Education by June 1 each year, in such form as the Department requires:

- 2.1 An assurance that its policies comply with this regulation and with 11 **Del.C.** §1457(j) or its successor statute.
- 2.2 Descriptions of the expulsions imposed under 11 **Del.C.** §1457(j) or its successor statute and under the policy implemented in accord with this regulation.

**3.0 Individuals with Disabilities Act**

Nothing in this regulation shall alter a district or charter school's duties pursuant to the Individuals with Disabilities Education Act.

**1 DE Reg. 1976 (6/1/98)**

**7 DE Reg. 333 (9/1/03)**

**4.0 Reporting Requirements and Timelines**

- 4.1 Each public school district and charter school shall have an electronic copy of its policy implementing the Gun-Free Schools Act [(20 USC §4141) (20 USC 7151)] and 11 **Del.C.** §1457(j) or its successor statute on file with the Department of Education.
- 4.2 Each public school district and charter school shall provide an electronic copy of any policy implementing the Gun-Free Schools Act [(20 USC 4141) (20 USC §7151)] and 11 **Del.C.** §1457(j) or its successor statute within ninety (90) days of such revision(s) regardless of whether said revisions were made as a result of changes to Federal, state or local law, regulations, guidance or policies.

**12 DE Reg. 325 (09/01/08)**