

DEPARTMENT OF EDUCATION
OFFICE OF THE SECRETARY
600 School Climate and Discipline

603 Compliance with the Gun-Free Schools Act

1.0 Written Policy Required

1.1 Each school district and charter school shall have a written policy implementing the Gun-Free Schools Act [(20 U.S.C. §7961)] and complying with 11 **Del.C.** §1457(j) or its successor statute. At a minimum, the policy must contain the following elements:

- 1.1.1 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.
- 1.1.2 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.
- 1.1.3 The definition of "**Firearm**" shall be the same as the meaning given to the term in the federal Gun-Free Schools Act.

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

23 DE Reg. 368 (11/01/19)

2.0 Submission of the Policy to the State Department of Education

2.1 Each school district and charter school shall submit the following to the Delaware Department of Education annually, in such form as the Department requires:

- 2.1.1 An electronic copy of its policy implementing the Gun-Free Schools Act [(20 U.S.C. §7961)] and complying with 11 **Del.C.** §1457(j) or its successor statute; and
- 2.1.2 An electronic copy of any revised policy implementing the Gun-Free Schools Act [(20 U.S.C. §7961)] and complying with 11 **Del.C.** §1457(j) or its successor statute under the policy implemented in accord with this regulation within ninety (90) days of such revision regardless of whether revisions were made as a result of changes to federal, state or local law, regulations, guidance or policies; and
- 2.1.3 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.

23 DE Reg. 368 (11/01/19)

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 (06/01/98)

7 DE Reg. 333 (09/01/03)

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

23 DE Reg. 368 (11/01/19)