

# EXHIBIT

## MONTGOMERY COUNTY PUBLIC SCHOOLS

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### Firearms (U.S. Code)

The term “firearm” means

- (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive;
- (B) the frame or receiver of any such weapon;
- (C) any firearm muffler or firearm silencer; or
- (D) any destructive device.

Such term does not include an antique firearm.

The statute further defines “destructive device” to mean

- (A) any explosive, incendiary, or poison gas --
  - (i) bomb,
  - (ii) grenade,
  - (iii) rocket having a propellant charge of more than four ounces,
  - (iv) missile having an explosive or incendiary charge of more than 1/4 oz.,
  - (v) mine,
  - (vi) device similar to any of the devices described in the preceding clauses;
- (B) any type of weapon (other than a shotgun or a shotgun shell ...recognized as particularly suitable for sporting purposes)...which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has a barrel with a bore of more than one-half inch in diameter; and

- (C) any combination of parts either designated or intended for use in converting any device into any destructive device described in subparagraph (A) or (B) and from which a destructive device may be readily assembled.

*Source:* Section 921 of 18, *United States Code*.

*Exhibit History:* July 1996.

## Firearms (State Law)

- (e)
  - (1) In this subsection, “firearm” means a firearm as defined in 18 U.S.C. § 921.
  - (2) Except as provided in paragraph (3) of this subsection, if the county superintendent or the superintendent’s designated representative finds that a student has brought a firearm onto school property, the student shall be expelled for a minimum of 1 year.
  - (3) The county superintendent may specify, on a case by case basis, a shorter period of expulsion or an alternative educational setting, if alternative educational settings have been approved by the county board, for a student who has brought a firearm onto school property.
  - (4) The State Board shall adopt regulations to implement this subsection.

*Source:* Education Article, §7-304, *Annotated Code of Maryland*.

*Exhibit History:* January 1983; reviewed June 1989; reviewed June 1993; revised July 1996.

## Firearms (State Regulation)

### 13A.08.01 General Regulations

#### .12-1 Bringing a Firearm Onto School Property

- A. In this regulation, the following terms have the meanings indicated:
  - (1) “Alternative educational setting” means an alternative education program that allows the student to continue the student’s education within the public school system and, if in a secondary school, the opportunity to earn credit.

- (2) “Expulsion” means at a minimum the removal of a student from the student’s regular school program.
- (3) “Firearm” means a weapon as defined in 18 U.S.C. §921.
- (4) “School property” means buildings, land that surrounds the buildings, and vehicles that are owned or leased by a local school system.
- (5) “Year” means a calendar year of 12 months.

B. General Provisions

- (1) Except as provided in §B(2) of this regulation, if the local superintendent or designee finds that a student has brought a firearm onto school property or to a school-sponsored activity, the student shall be expelled for a minimum of 1 year.
- (2) The local superintendent may specify, on a case-by-case basis, a shorter period of expulsion or an alternative educational setting, if alternative educational settings have been approved by the local board, for a student who has brought a firearm onto school property or to a school-sponsored activity.
- (3) Nothing in this regulation precludes a local school system from developing or applying more stringent regulations and procedures.

C. Students with Disabilities. An identified student with disabilities who brings a firearm onto school property may be suspended or expelled in accordance with the procedures set out in Education Article, §7-304, Annotated Code of Maryland, and COMAR 13A.08.01.11G.

D. Administrative Procedures.

- (1) Annually by August 1, each local school system shall provide the State Board of Education with a report that includes:
  - (a) Written certification that the local school system is in compliance with the requirements of this regulation;
  - (b) The number of incidents in which a student brought a firearm onto school property;
  - (c) The name of the school where each incident took place;

- (d) The type of firearm involved;
  - (e) The disposition of each case, including the number of students:
    - (i) Expelled from each school, and
    - (ii) Placed in alternative educational settings; and
  - (f) A description of alternative educational settings used in compliance with this regulation.
- (2) Each local school system shall report each incident in which a student brings a firearm onto school property to the appropriate juvenile justice or criminal justice agency.

*Source:* Code Of Maryland Regulations 13A.08.01.11G.

*Exhibit History:* January 1983; reviewed June 1989; reviewed June 1993; revised July 1996.