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Recommendation for Expulsion - Anthony VanBuren, 11th Grade

I. Recommendation for Expulsion

Kurt Bunnelle, Head of Schools, recommends 11th grader Anthony VanBuren (AVB) for expulsion from KIPP KC. Per KIPP KC's handbook, this recommendation must be approved by KIPP KC's Board of Directors.

II. Summary of Events

The following summarizes key events leading up to this recommendation. More information can be found in the attachments.

- On 8/25 AVB brought a loaded gun on the HS football trip to Illinois. The gun was around staff, players, and inside a restaurant.
- AVB left a bag at Olive Garden where the team was eating dinner prior to the away football game. The bag was found by Coach Jamel Sims, who identified the contents of the bag to be a loaded handgun that was later identified as a handgun belonging to Anthony's stepdad.
- Anthony later said in a formal statement with Mrs. McRae on Sunday 8/27/23 that he brought the gun to school on 8/25/23 and on the football bus.
- Statements were taken over Zoom by Mrs. McRae on Sunday 8/27/23. Athletic Director Michael Cobbins was also present and the meeting was recorded.



III. Board Approval

Student expulsions from KIPP KC must be approved by KIPP KC's Board of Directors. After reviewing the information in this case, expulsion is

☐ Approved

☐ Not approved

Board Signature: _____

Date: _____



Letter to Family



Suspension Decision

Student: Anthony VanBuren (11th Grade)

Recommendation from: Josh Swartzlander (Principal), Amanda McRae (Assistant Principal)

Approved by: Kurt Bunnelle (Head of Schools)

Date: 8/28/2023

Dear KIPP Legacy family of Anthony VanBuren,

On Friday 8/25/23, Anthony VanBuren brought a weapon (loaded gun) to Legacy High School Campus and on the football team bus to Madison, IL.

Upon conclusion of the investigation, Mr. Bunnelle has decided upon an out-of-school suspension of 180 school days (beginning 8/28/2023; returning August 15th, 2024). This incident will also be referred to the KIPP School Board for review - this could lead to expulsion. Expulsion, based on our handbook, can only be approved by the Board of Directors.

Evidence: The following were the key facts of the investigation. We used statements from AVB and teachers. We were guided by our handbook, precedent, and the Safe Schools Act.

- **Investigation:** The following are the key facts from the investigation:
 - On 8/25 Anthony left his bag at Olive Garden where the team was eating dinner prior to the away football game. The bag was found by Coach Jamel Sims, who identified the contents of the bag to be a loaded handgun that was later identified as a handgun belonging to Anthony's stepdad.
 - Anthony later said in a formal statement with Mrs. McRae on Sunday 8/27/23 that he brought the gun to school on 8/25/23 and on the football bus.
 - Statements were taken over Zoom by Mrs. McRae on Sunday 8/27/23. Athletic Director Michael Cobbins was also present and the meeting was recorded.
- **Precedent:** The closest precedent comes from January 2022 when a student was suspended for 60 days for bringing a pellet gun and a magazine of bullets. However, in that case, the



ammunition (pellets) were not compatible with the gun. In the present case, the bullets were compatible with the firearm, and the firearm was loaded, greatly increasing the risk of bodily harm.

- **Handbook:** Our handbook states *"Possession of a dangerous weapon": Will follow Gun-Free Schools Act and Safe Schools Act, Police Report + Referral for expulsion."*

Reasoning: The course we are taking is a suspension of 180 days and further review for possible expulsion. This is aligned to our handbook. 180 days is the equivalent of one year and less than the maximum recommendation in our handbook (expulsion). Anthony has been forthcoming about his possession of the weapon on campus. However, we must uphold a safe school culture that does not condone weapons on our campus at any time. The weapon brought to campus certainly qualifies as dangerous (it was loaded with bullets) and on the bus could have easily caused bodily injury or death.

Additional Notes: According to Missouri state law, The Gun Free Schools Act and The Safe Schools Act, this incident has been reported to the Kansas City Police Department for investigation. The weapon was turned over to KCPD on Sunday 8/27/23 by Athletic Director, Michael Cobbins.

Sincerely,

Mr. Bunnelle
kbunnelle@kippkc.org
KIPP KC

Attachments:

Recovered weapon





Handbook Guidance

Possession of a dangerous weapon including but not limited to firearms, knives	Immediate OSS and Investigation See section on Gun-Free Schools Act	NA	Expulsion and Police Report
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Suspension and Expulsion Procedures

The following procedures apply to all students. However, additional procedures for discipline for students with disabilities are sometimes required, as discussed in Regulation V of the Missouri State Plan.

KIPP believes that the right of a child to attend free public schools carries with it the responsibility of the child to attend school regularly and to comply with the lawful policies, rules and procedures of the school. This observance of school policies, rules and procedures is essential for permitting others to learn at school.

Therefore, the administration may exclude a student from school because of violation of school rules and procedures, conduct which materially or substantially disrupts the rights of others to an education, or conduct which endangers the student, other students or the property of the school. Furthermore, if a student poses a threat to self or others, as evidenced by the prior conduct of such student, the administration may immediately remove the student from school. Such actions will be taken in accordance with due process and with due regard for the welfare of both the student and the school.

The terms "suspension" and "removal" refer to an exclusion from school that will not exceed a specific period of time and shall be subject to the due process procedures set forth for "suspensions" in this policy. The term "expulsion" refers to exclusion for an indefinite period.

The school may honor suspensions and expulsions from another in-state or out-of-state school district including a private, charter or parochial school or school district pursuant to law. If a pupil is attempting to enroll in KIPP during a suspension or expulsion from another in-state or out-of-state school district including a private, charter or parochial school or school district, a conference with the Executive Director or the Executive Director's designee may be held to consider if the conduct of the pupil would have resulted in a suspension or expulsion at KIPP. Upon a determination by the Executive Director or the Executive Director's designee that such conduct would have resulted in a suspension or expulsion in KIPP, the school may honor such suspension or expulsion from another school or district. Upon a determination by the Executive Director or the Executive Director's designee that such conduct would not have resulted in a suspension or expulsion in KIPP, the school shall not honor such suspension or expulsion.

Suspensions



The School Leader may suspend a student for up to ten (10) school days. The Head of Schools may suspend a student for up to 180 school days. Procedures for suspending a student are outlined below.

In the event that the School Leader recommends a suspension greater than 10 days, the School Leader shall impose the 10-day suspension and shall make a recommendation to the Head of Schools for additional suspension.

1. Before suspending a student, the School Leader or Head of Schools must (a) tell the student, either orally or in writing, what misconduct he or she is accused of; (b) if the student denies the accusation, explain, either orally or in writing, the facts that form the basis of the proposed suspension; and (c) give the student an opportunity to present his or her version of the incident.
2. If the School Leader or Head of Schools concludes that the student has engaged in misconduct punishable by suspension, the procedures described below apply. If the student has a disability as defined in the Individuals with Disabilities Education Act (IDEA) as amended or Section 504 of the Rehabilitation Act, additional procedural safeguards described in the policy dealing with the discipline of students with disabilities apply.
3. The School Leader should determine whether the student should be suspended or whether less drastic alternative measures would be appropriate. In many cases, the School Leader may decide not to suspend a student unless conferences (between the teacher, student and School Leader and/or between the parent, student and School Leader) have been held and have failed to change the student's behavior.
4. If suspension is imposed, the student's parents or guardians must be promptly notified of the suspension and the reasons for the action.
5. Any suspension by the School Leader must be reported, immediately and in writing, to the Head of Schools, who may revoke the suspension, either part or in full, at any time.
6. If a student is suspended for more than ten (10) school days, the following rules also apply:



- The student, his or her parents, guardians or others having custodial care have a right to appeal the Head of School's decision to the Board or a committee of the Board appointed by the Board chair.
- If the student gives notice that he or she wishes to appeal the suspension to the Board, the suspension shall be stayed until the Board renders its decision, unless in the Head of School's judgment, the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process. The notice of appeal must state with specificity the reasons for the appeal.
- All notices of appeal shall be transmitted, either by the appealing party or by the Head of Schools, to the secretary of the Board. Oral notices, if made to the Head of Schools, shall be reduced to writing and communicated to the secretary of the Board.
- The Head of Schools, when notified of an appeal, shall promptly transmit to the Board a full written report of the facts relating to the suspension, the action taken by the Head of Schools, and the reasons for the action.
- Upon receipt of a notice of appeal, the Board will schedule a hearing and within a reasonable time in advance of the scheduled date, will notify, by regular mail and certified mail, the appealing party of the date, time and place of the hearing and of the right to counsel (at the student's/parent's expense), to call witnesses, and to present evidence at the hearing.
- Hearings of appealed suspensions will be conducted as described in the section of this policy dealing with student disciplinary hearings.

Statements / Evidence

Photo of Weapon on Bus 8/25



Cobbins Statement 8/26

Anthony VanBuren ➤ Inbox x



Michael Cobbins

to Julie ▼

12:07 AM (9 hours ago)



Hey Team,

It is unfortunate that we had a player carrying a loaded gun on our trip today. AV left a bag in the restaurant and Coach Sims picked the bag up as we were leaving. On the way back home Coach Sims showed me that Anthony had a gun in his bag. Coach Sims took the following steps:

- 1 cleared the weapon by taking the bullet out of the chamber.
- 2 Last he put the gun on safety.

...

Sims Statement 8/26



Sims Statement > Inbox x



Michael Cobbins

12:50 AM (8 hours ago)



to Julie ▾

Upon leaving the restaurant, the bag was noticed which had been left. I grabbed the bag and went to the bus. Later I noticed the feeling of the bag was odd. I could without opening the bag, what they bag had inside. I open the bag to confirm it was a weapon!. I notified the student that I had his bag and I was aware of it content informed and that I could not give it back!

I did ask why he had the weapon... his response was, after he was threatened in a lethal way, he felt he needed to protect himself.

I asked if his parent knew, he said no!

Next I notified Coach Cobbins... I pulled the weapon out of it was safely carried and put away. It was not. The weapon was loaded with safety on... I removed the magazine and placed it to the side. I also discovered 1 round in the chamber which means the weapon was loaded and had been for the majority of the day. I cleared the weapon and then. I placed all contents back in the bag and handed it to Coach Cobbins.

Sent from my iPhone

Anthony VanBuren Statement 8/27

Started at the jamboree. Ameer said he (another student) was going to kill me and my brother. Put it on his dead cousin. At school too. At QT he pulled up on the side of you--Wednesday I think, I was with Terryon, he was driving his black car, he had a gun in the car. Terryon didn't see it he was on the concrete. He (Ameer) was talking to Terryon. Terryon went to the building into QT and I walked on to practice.

Back at school he said he was back on the team and going to practice. So I went and got the gun because I was thinking I am still not safe. So went and got the gun inside the safe at my house. No one knew I had taken it. Brother didn't know. I got it Friday morning.

I brought it to the building. Brought it in a fanny pack Louis V bag. I knew we were not having school. Did you tell anyone you had it? No, I didn't tell anyone.

I had it on the bus. Took it off the bus to go to Olive Garden. Coach Sims grabbed it when I forgot it. Coach Sims had it in his seat during the game. Then he called me to his seat after the game on the way home. He asked me if anyone knew I had it or if my parents and I said no. He told me I wouldn't be getting it back. Then we got off the bus and Coach Cobbins had it. Then Cobbins talked to my mama and that was it.



Handbook Guidance

Min/Max for Possession of Dangerous Weapon

Possession of a dangerous weapon including but not limited to firearms, knives	Immediate OSS and Investigation See section on Gun-Free Schools Act	NA	Expulsion and Police Report
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Corrective Disciplinary Consequences

Suspension and Expulsion Procedures

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school district, a conference with the Executive Director or the Executive Director's designee may be held to consider if the conduct of the pupil would have resulted in a suspension or expulsion at KIPP. Upon a determination by the Executive Director or the Executive Director's designee that such conduct would have resulted in a suspension or expulsion in KIPP, the school may honor such suspension or expulsion from another school or district. Upon a determination by the Executive Director or the Executive Director's designee that such conduct would not have resulted in a suspension or expulsion in KIPP, the school shall not honor such suspension or expulsion.

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4. If suspension is imposed, the student's parents or guardians must be promptly notified of the suspension and the reasons for the action.
5. Any suspension by the School Leader must be reported, immediately and in writing, to the Head of Schools, who may revoke the suspension, either part or in full, at any time.
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 - If the student gives notice that he or she wishes to appeal the suspension to the Board, the suspension shall be stayed until the Board renders its decision, unless in the Head of School's judgment, the student's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process. The notice of appeal must state with specificity the reasons for the appeal.
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