



DEPARTMENT OF DEFENSE  
EDUCATION ACTIVITY  
4040 NORTH FAIRFAX DRIVE  
ARLINGTON, VA 22203-1635

Education Directorate

DoDEA Regulation 2051.1  
Date: April 4, 2008

DEPARTMENT OF DEFENSE EDUCATION ACTIVITY  
REGULATION

SUBJECT: Disciplinary Rules and Procedures

- References:
- (a) DoDEA Regulation 2051.1, "Disciplinary Rules and Procedures," August 16, 1996 (hereby canceled)
  - (b) DoD Directive 1342.20, "Department of Defense Education Activity (DoDEA)," November 28, 2005
  - (c) DoD Instruction 1342.12, "Provision of Early Intervention and Special Education Services to Eligible DoD Dependents," April 11, 2005
  - (d) DoDEA Regulation 2500.14, "Nondiscrimination and Accommodation on the Basis of Disability in DoDEA Conducted Education Programs and Activities," October 30, 2007
  - (e) through (l) see enclosure 1

1. REISSUANCE AND PURPOSE

This Regulation reissues reference (a) under the authority of reference (b) to update policy and procedures for disciplinary action for all students enrolled in schools under the Department of Defense Education Activity (DoDEA), including both Department of Defense Domestic Dependent Elementary and Secondary Schools (DDESS) and Department of Defense Dependents Schools (DoDDS), and including special rules for students covered by reference (c).

2. APPLICABILITY AND SCOPE

This Regulation:

2.1. Applies to the Office of the Director, Department of Defense Education Activity; the Director, Domestic Dependent Elementary and Secondary Schools, and Department of Defense Dependents Schools, Cuba (DDESS/DoDDS-Cuba); the Director, Department of Defense Dependents Schools, Europe (DoDDS-E); the Director, Department of Defense Dependents Schools, Pacific, and Domestic Dependent Elementary and Secondary Schools, Guam (DoDDS-P/DDESS-Guam); and all DoDEA District Superintendents, School Principals, Teachers, and Support Staff.

2.2. Applies to all students enrolled or participating in, or traveling to or from, programs or activities under DDESS and DoDDS jurisdiction; including home-schooled students who use or receive auxiliary services and/or attend courses/classes/activities in DoDEA schools or settings.

2.3. Does not create any rights or remedies outside of those enumerated within and may not be relied upon by any person, organization, or other entity to allege a denial of such rights or remedies.

### 3. DEFINITIONS

Terms used in this Regulation are defined in enclosure 2.

### 4. POLICY

It is DoDEA policy that:

4.1. Management of student behavior is a responsibility shared by students, sponsors/parents/guardians, teachers, and the military and school communities; that consists of teaching and reinforcing positive student attitudes and behaviors.

4.2. Discipline should be progressively and fairly administered. Disciplinary actions not fully described in this Regulation, such as, but not limited to: verbal reprimands, conferences, detention, time-out, alternative in-school placements, school service programs, community service and counseling programs, and other behavior management techniques should be considered prior to resorting to more formal disciplinary actions that remove a student from school for a long term suspension or expulsion as a first offense; except when a student poses an immediate threat to his or her safety or the safety of others, (e.g., offenses involving firearms or other weapons, fighting or violence; or the possession, use, or sale of drugs).

4.3. Removal from school by placing a student in an alternate educational setting outside of school, or a long-term suspension or an expulsion of a student from school, are extreme disciplinary consequences normally used to modify the undesirable conduct of a student for whom other behavior management techniques and disciplinary actions have proven futile; or when a student poses an immediate danger to himself/herself or to others (e.g., offenses involving firearms or other weapons, fighting or violence; or the possession, use, or sale of drugs).

4.3.1. Students should be encouraged to perform community service in addition to the removal. The coordination of this community service must include input from the sponsor/parent/guardian and, when appropriate, the community commander or designee.

4.3.2. Students must complete all assignments of work and exams satisfactorily during the period of removal to earn credit.

4.3.2.1. The principal must make suitable arrangements for students who have been removed to ensure they can take necessary examinations.

4.3.2.2. The principal should make alternate examination arrangements for a graduating senior who is scheduled to start post secondary education or whose family is pending a permanent change of station, to minimize interference with those plans.

4.4. Corporal punishment by teachers, principals, or other persons employed by DoDEA is prohibited.

4.5. The grounds for imposing disciplinary consequences are prescribed in enclosure 3.

4.6. Discipline must be administered consistent with the student's behavior management plan, where applicable.

4.7. Disciplinary consequences for students with disabilities shall not be more frequent or severe than for students without disabilities committing the same or similar offenses.

4.8. All regular disciplinary rules and procedures in enclosure 4 apply to students with disabilities who are proposed for minor discipline, including removal to an alternate educational setting or removal from school or the school bus for 10 school days or fewer.

4.8.1. The DoDEA removal procedures for 10 school days or fewer are prescribed in enclosure 4.

4.8.2. The DoDEA procedures for removal for more than 10 consecutive school days are prescribed in enclosure 5.

4.9. Special rules must be followed when a disciplinary consequence for a child with disabilities would result in a change of placement. (See enclosure 6)

4.9.1. The DoDEA discipline procedures for students eligible for special education are prescribed in enclosure 6.

4.9.2. The DoDEA worksheet to determine if misconduct is a result of a student's disability is at enclosure 7.

4.10. Regular educational services required by this Regulation to be provided to a student without disabilities who is removed, must also be provided to a disabled student who is removed.

4.11. Written notices, appeals, documents, and memoranda in support of appeals required or authorized by this Regulation that are to be delivered to a parent/sponsor/guardian, or to the school; may be delivered by sending them home with the student, and/or may be sent to the parent/sponsor/guardian or to the school by mail or by e-mail. If e-mail is used as the notification method to notify the parent/sponsor/guardian, the principal or designee will

telephone to advise him or her that an e-mail has been sent. Written notices may be used in lieu of oral notices when the use of a written notice will expedite the required communication.

4.12. Sample memoranda for sponsors/parents/guardians, and additional guidelines and forms for school bus discipline, are at enclosure 8.

## 5. RESPONSIBILITIES

5.1. The Director, Department of Defense Education Activity, shall:

5.1.1. Ensure that student discipline is administered fairly, without discrimination; and the discipline is in compliance with the policies and procedures of this Regulation and DoD Instruction 1342.12 (reference (c)) and DoDEA Regulation 2500.14 (reference (d)).

5.1.2. Review the annual report prepared by each DoDEA Area Director concerning removals in excess of 10 cumulative school days in a school year, including expulsions. This report shall be used to establish the presence or absence of potential discrimination.

5.1.3. Ensure that the data in each report shall include the following information consistent with the requirements of references (c) and (d):

5.1.3.1. The number and percentage of children with an Individualized Education Program (IEP) or an Accommodation Plan by race, ethnicity, gender, limited English proficiency status, and disability category who:

5.1.3.1.1. Received a free appropriate public education.

5.1.3.1.2. Participated in regular education.

5.1.3.1.3. Were subjected to long-term removal or expulsions including removal to an alternative educational setting.

5.1.3.2. The incidence, duration, and type of long-term removal.

5.1.3.3. The number and nature of complaints filed with DoDEA under references (c) and (d).

5.1.3.4. The disposition of such complaints.

5.1.4. Serve as the final appellate review authority in cases involving removal for more than 10 consecutive school days.

5.1.5. Direct DoDEA Directors, superintendents, and principals to remove students in accordance with the policies and procedures prescribed in this Regulation and to ensure that any disciplinary decision made concerning a student's disciplinary action is:

5.1.5.1. Supported by a preponderance of the evidence contained in the record; and

5.1.5.2. Delivered promptly to the student and his sponsor/parent/guardian.

5.2. The Director, Domestic Dependent Elementary and Secondary Schools and Department of Defense Dependents Schools, Cuba; the Director, Department of Defense Dependents Schools, Europe; and the Director, Department of Defense Dependents Schools, Pacific and Domestic Dependent Elementary and Secondary Schools, Guam; shall:

5.2.1. Ensure compliance with the provisions of this Regulation.

5.2.2. Exercise first level appellate authority on appeals from disciplinary orders issued by the district superintendents adjudicating a removal from school in excess of 10 days, including expulsion.

5.2.3. Exercise general supervisory control over the administration of school discipline within their Area, ensuring that:

5.2.3.1. Disciplinary procedures are administered consistently with this Regulation.

5.2.3.2. Timelines specified in this Regulation are followed.

5.2.3.3. Administrative proceedings in disciplinary matters are carried out with efficiency and impartiality in accordance with references (c) and (d).

5.2.3.4. Disciplinary consequences are dispensed with reasonable consistency for similar offenses and circumstances.

5.2.3.5. Disciplinary information is maintained in compliance with the DoD Privacy Program, DoD 5400.11-R (reference (e)).

5.2.4. Hold district superintendents accountable for adherence to the standards, policies, and procedures in this Regulation and references (c) and (d).

5.2.5. Coordinate with district superintendents to ensure that theater commanders and the DoDEA community stakeholders are informed and understand the educational benefits of the policies and procedures in this Regulation.

5.2.6. Enlist broad community support for, and cooperation with, school authorities in the exercise of school-related disciplinary authority consistent with this Regulation.

5.2.7. Provide to the Director, DoDEA, by July 1 of each year, an annual report of all removal orders issued under their cognizance, reflecting the data elements required by subparagraphs 5.1.2. and 5.1.3 of this Regulation.

5.2.8. Coordinate any implementing guidance with the Office of the DoDEA General Counsel prior to issuance.

5.3. The DoDEA District Superintendents shall:

5.3.1. Serve as the stet appellate authority over all appeals from decisions made by principals (i.e., involving a disciplinary removal of 10 days or less).

5.3.2. Serve as the decision authority in all cases referred to a disciplinary committee (i.e., involving removal over 10 consecutive days, including expulsion); and issue the written decisions that grant or deny requests of the school, or the accused student, or his or her representative (e.g., requests for additional time to prepare the case or for other accommodations).

5.3.3. Forward to the cognizant Area Director, if the district superintendent's decision is appealed, the entire case file; including:

5.3.3.1. All matters provided to and received from the school disciplinary committee.

5.3.3.2. The documentary and physical evidence.

5.3.3.3. The transcript or tape recording or other record of proceedings.

5.3.3.4. The disciplinary committee's recommendations; record of deliberation, if any.

5.3.3.5. The district superintendent's decision.

5.3.3.6. Any additional matters of record.

5.3.4. Advise principals in the appointment and convening of a school disciplinary committee to consider recommendations that a student be removed from school for more than 10 consecutive school days.

5.3.5. Exercise general supervisory control over the administrators of school discipline within the district, as described in subparagraph 5.2.3. of this Regulation.

5.3.6. Coordinate with local military commanders where appropriate in the exercise of school bus discipline; and ensure that procedures described in this Regulation, particularly those that relate to the discipline of students with disabilities, are consistently applied.

5.3.7. Work with commanders and the DoDEA community stakeholders to inform them of the educational benefits of DoDEA's policies and procedures; enlist broad community support for, and cooperation with, school authorities in the sharing of responsibility for exercising school bus and other school-related disciplinary authority consistent with this Regulation.

5.3.8. Provide to the cognizant Area Director, by June 15 of each year, an annual report of all removal orders issued under their cognizance, reflecting the data elements required by subparagraph 5.1.3. of this Regulation.

5.4. The DoDEA General Counsel shall:

5.4.1. Review for legal sufficiency all proposed decisions on appeals that involve a student's removal for more than 10 consecutive school days.

5.4.2. Provide advice and assistance to DoDEA officials in any stage of a disciplinary proceeding.

5.4.3. Advise the Directors, superintendents, and principals on matters affecting the fairness; impartiality; consistency of proceedings; and adherence to the policies of this Regulation.

5.5. The DoDEA Principals shall:

5.5.1. Dispense and exercise general supervisory control over the administration of school discipline within the school, as prescribed in subparagraph 5.2.3 of this Regulation.

5.5.2. Issue a decision in any case where the principal has conducted an informal conference and determined that:

5.5.2.1. A removal for 10 consecutive days or fewer is appropriate, in accordance with the procedures in enclosure 4.

5.5.2.2. The student accused of misconduct was afforded a sufficient opportunity to establish that he or she did not commit the misconduct and/or to identify extenuating or mitigating circumstances before a disciplinary consequence was rendered.

5.5.3. Consult with the cognizant district superintendent; after which, appoint appropriate members to, and convene, a disciplinary committee. The disciplinary committee shall conduct a hearing and make recommendations to the district superintendent in any disciplinary action in which the principal recommends that a student be removed for more than 10 consecutive school days. (See enclosure 5)

5.5.4. Appear and represent, or designate a member of the school staff to appear and represent, the interests of the school in proceedings before a disciplinary committee.

5.5.5. Forward the case file to the district superintendent in all cases in which:

5.5.5.1. A disciplinary committee makes a recommendation concerning discipline; or

5.5.5.2. The principal's disciplinary decision is appealed to the district superintendent.

5.5.6. Engage the faculty, DoD sponsors/parents/guardians, and students in the development of a comprehensive school disciplinary program consistent with this Regulation. The program needs to include pre-planned, reflective response strategies that are specifically defined, and ensure that the disciplinary consequence is proportional to the seriousness of the inappropriate behavior.

5.5.7. Work with commanders and the DoDEA community stakeholders to inform them of the of DoDEA's policies and procedures; enlist broad community support for, and cooperation with, school authorities in the sharing of responsibility for exercising school bus and other school-related disciplinary authority consistent with this Regulation.

5.5.8. Ensure that the student and the sponsor/parent/guardian (even if the student is emancipated) are:

5.5.8.1. Informed of charges against the student and the proposed disciplinary action.

5.5.8.2. Furnished a copy of this Regulation in cases involving possible disciplinary removal.

5.5.9. Ensure that personnel appointed to the school disciplinary committee are DoD employees or volunteers who sign a volunteer agreement in accordance with DoD Instruction 1100.21 (reference (f)). It is important that the disciplinary committee members understand their responsibilities under the DoD Privacy Program (reference (e)), and that the underlying information developed and retained in student files concerning any student disciplinary action is maintained in full compliance with Agency recordkeeping requirements and in accordance with reference (e). This does not prevent disclosure of a particular disciplinary consequence that has been imposed on a particular student for violating a specific provision of the disciplinary code.

5.5.10. Explain to the student and the sponsor/parent/guardian the terms and conditions of any disciplinary action (i.e., the date upon which the student is eligible to return to school, the student's obligation to continue education during any period of removal, etc.).

5.5.11. Ensure that student records accurately reflect the final disposition of disciplinary actions in accordance with reference (e).

5.5.12. Provide to the cognizant district superintendent, by May 30 of each year, an annual report which reflects the data elements required by subparagraph 5.1.3. of this Regulation.

5.6. The DoDEA Teachers and Educational Staff Members shall:

5.6.1. Utilize the range of behavior management techniques, to include the independent exercise of minor disciplinary actions for minor student misconduct. Teachers and other educational staff members (e.g., counselors, nurses), with the consent of the principal, may order in-school removals when appropriate to the needs of the student and his or her disruptive behavior.

5.6.2. Ensure that, in cases where teachers utilize the range of behavior management techniques cited in subparagraph 5.6.1. of this Regulation, the student knows the nature of his or her misconduct and understands why the disciplinary action is being imposed. When there is a doubt about the culpability of persons involved in misconduct, or there is some possibility of mitigating circumstances, the educational staff member administering discipline should provide an opportunity for the student facing a disciplinary action to express his or her reasons for the alleged misconduct.

5.7. The DoDEA Students:

5.7.1. Shall comply with all DoDEA student disciplinary rules, regulations and procedures.

5.7.2. Shall be responsible for providing information and/or evidence in defense or mitigation of the charges against the student and complying with the timelines required by this Regulation.

5.7.3. May appeal a disciplinary decision, as follows:

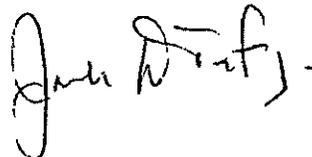
5.7.3.1. Appeals Not Involving Removal. Appeals from disciplinary actions imposed by a teacher or a principal that do not involve removing a child from the school are resolved through a conference (informal hearing) between the sponsor/parent/guardian and the teacher or principal in accordance with subparagraph E4.6.1.

5.7.3.2. Appeals Involving Removal for 10 Consecutive School Days or Fewer. A principal's decision of removal for a period of 10 consecutive school days or fewer may be appealed to the district superintendent. No further appeal is authorized.

5.7.3.3. Appeals Involving Removal for More Than 10 Consecutive School Days. A district superintendent's decision of removal for a period of more than 10 consecutive school days, including expulsion, may be appealed to the cognizant Area Director and then to the Director, DoDEA.

6. EFFECTIVE DATE

This Regulation is effective July 1, 2008.



Joseph D. Tafoya  
Director

Enclosures - 8

- E1. References
- E2. Definitions
- E3. Grounds for Disciplinary Actions
- E4. Procedures for Imposing Disciplinary Action, Including Removal Up to 10 School Days
- E5. Procedures for Removal Over 10 School Days, Including Expulsion
- E6. Modified Procedures for the Administration of Discipline to Children/Students with Disabilities
- E7. Worksheet for Conducting a Manifestation Determination Review
- E8. Student School Bus Behavior Management Policy

E1. ENCLOSURE 1

REFERENCES continued

- (e) DoD 5400.11-R, "Department of Defense Privacy Program," May 15, 2007
- (f) DoD Instruction 1100.21, "Voluntary Services in the Department of Defense," March 11, 2002
- (g) Section 863 of title 21, United States Code, Drug Paraphernalia.
- (h) Section 812 of title 21, United States Code, Schedules of Controlled Substance
- (i) Section 921 (a)(3) of title 18, United States Code, Definitions
- (j) Section 930(g)(2) of title 18, United States Code, Dangerous Weapon
- (k) Section 1365(h)(3) of title 18, United States Code, Serious Bodily Injury
- (l) Section 1400 et. seq. of title 20, United States Code, Individuals with Disabilities Education Improvement Act of 2004

## E2. ENCLOSURE 2

### DEFINITIONS

E2.1. Accommodation Plan. A written plan specifying the nature of the student's disability and the major life activity(ies), it limits, the basis for determining the disability, the educational impact of the disability, the area(s) for accommodation(s), the accommodation strategies, and documentation as to how the student's progress will be determined.

E2.2. Alternate Educational Setting (AES). A location in or out of school determined by school authorities as the appropriate learning environment for a student because of learning or behavioral issues.

E2.3. Ameliorate. To make or become better, to improve.

E2.4. Behavior Management Plan. A plan for any student (disabled or nondisabled) that provides positive reinforcement for student behaviors intended to deter inappropriate or negative student behavior. The plan may include consequences for misbehavior.

E2.5. Case Study Committee (CSC). In accordance with DoD Instruction 1342.12 (reference (c)), a school-level multidisciplinary team comprised of, among others, an administrator or designee who is qualified to supervise or provide special education, one or more of the student's regular education teachers, one or more special education teachers, sponsor/parent/guardian, and related service providers (if appropriate).

E2.6. Child/Student with a Disability. Any student age 3 through 21 inclusive, before graduation from high school or completion of the General Education Degree, who a Case Study Committee (CSC) has determined has one or more impairments and qualifies for special education and related services.

E2.7. Corporal Punishment. Physical punishment inflicted on the body of a student by an educator or administrator, typically as a means of discipline.

E2.8. School Day. Any day, including a partial day, that children are in school for instructional purposes...including children with and without disabilities.

E2.9. Director. The Director, DoDEA, unless specified as the director of another designated organizational subdivision of DoDEA (e.g., Director, DoDDS-E).

E2.10. Disciplinary Committee. A school committee comprised of school officials and installation/community representatives who are DoD employees. Non-DoD employees may be included on the disciplinary committee if the non-DoD member executes a voluntary services agreement as prescribed by DoD Instruction 1100.21 (reference (f)), and is briefed on protecting student privacy. The disciplinary committee meets to consider disciplinary matters in which removal in excess of 10 school days, including expulsion, has been recommended by the principal.

E2.11. Drug Paraphernalia. Any equipment, product, or material of any kind which is primarily intended or designed for use in manufacturing, compounding, converting, concealing, producing, processing, preparing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance, possession of which is unlawful under U.S. federal law. (See section 863 of 21 U.S.C. (reference (g))).

E2.12. Expulsion. The removal of a student from school for the remainder of a semester, or for a school year, or where misconduct leading to expulsion occurs during the last 6 weeks of the school year, or for 1 year when the expulsion action is taken with respect to a firearm violation; the expulsion may be extended to the end of the first semester of the following year.

E2.13. Firearm. 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. This includes any explosive device or weapon; including any explosive, incendiary, poison gas, bomb, grenade, or rocket (reference (i)).

E2.14. Formal Hearing. The process by which the school disciplinary committee reviews the evidence and affords both the school and the student accused of misconduct (and his or her sponsor/parent/guardian) an opportunity to address the allegations of misconduct and the proposed disciplinary action. Formal hearings afford certain due process rights to the student accused of misconduct when the proposed disciplinary action involves removal for more than 10 consecutive school days. These rights include:

E2.14.1. Notice of the allegations and proposed disciplinary action in writing prior to the hearing.

E2.14.2. The opportunity to:

E2.14.2.1. Present a defense in the form of witnesses and/or documentary evidence at the hearing.

E2.14.2.2. Have a representative at the hearing.

E2.14.2.3. Request that relevant questions be asked of witnesses at the hearing.

E2.14.3. A recommended decision made by the disciplinary committee, written findings of fact, a decision by the district superintendent furnished to the accused.

E2.14.4. A right of appeal to the cognizant Area Director, and the Director, DoDEA.

E2.15. Individualized Education Program (IEP). A written document defining specially-designed instruction for a student with a disability, ages 3 to 21, inclusive, developed and implemented in accordance with DoD Instruction 1342.12 (reference (c)).

E2.16. Informal Hearing (e.g., conference). Prior to imposing a disciplinary consequence, if possible, without compromising school safety, or as soon as possible after imposing a

consequence; the principal or teacher should conduct an informal conference with the student to ensure that the proper student is being disciplined, that he or she knows why the disciplinary action is being taken, and to afford the student a chance to explain his or her involvement in the alleged misconduct.

E2.17. Illegal/Controlled Substance. Includes all illicit drugs (e.g., marijuana, cocaine, amphetamine, methamphetamine, lysergic acid diethylamide, opium, heroin, phencyclidine, barbituric acid, and any compound or derivative of these substances) and illegal substances and/or controlled substances as defined by section 863 of 21 U.S.C. (reference (g)), or host nation law; and legal substances (e.g., readily available chemicals, over-the-counter and prescription drugs) that are abused or misused (e.g., sniffing glue or inhalants, exceeding recommended amounts of pills or other substances, or taking medicine prescribed for another person). A substance legal in the host nation, but illegal and/or controlled by section 812 of 21 U.S.C. (reference (h)), is an illegal or controlled substance under this Regulation.

E.2.18. Preponderance of the Evidence. Preponderance of evidence refers to proof that leads the decision maker to find the existence of the fact in issue is more probable than not.

E2.19. Principal. One who holds presiding rank in the school. A principal authorized by this Regulation to take particular disciplinary action includes an assistant principal or any other educator to whom the principal has delegated authority to administer discipline on behalf of the principal.

E2.20. Removal. A disciplinary action taken against a student who is suspended, expelled, or placed in an alternate setting, in or out of school.

E2.21. Serious Bodily Injury. Bodily injury that involves a substantial risk of death; extreme physical pain; protracted and obvious disfigurement; or protracted loss or impairment of the function of a bodily member, organ, or mental faculty as defined by section 1365(h)(3) of 18 U.S.C. (reference (k)).

E2.22. Special Education. Specially designed instruction and related services that a student, ages 3 through 21, inclusive, receives when a school Case Study Committee determines a student qualifies pursuant to the requirements of DoD Instruction 1342.12 (reference (c)).

E2.23. Substance Abuse. Includes using, possessing, selling, dispensing, or being under the influence of illegal/controlled substances or alcohol. This includes the unauthorized use of otherwise legal substances. (See paragraph E2.17).

E2.24. Suspension. Removal of a student from classes or school for any period short of expulsion. Suspensions may be in-school or out-of-school. Suspensions from school are not to exceed 10 consecutive school days without a formal hearing.

E2.25. Weapons. Weapons are items carried, presented, or used in the presence of other persons with the intent of threatening or harming any individuals, or that are capable of causing death or serious bodily injury (section 930(g)(2) of 18 U.S.C. (reference (j))). They include, but are not

limited to: guns, ammunition, knives, swords, razors, box or carpet cutters, slingshots, nunchucks, blackjacks, brass/metal knuckles, throwing stars; any flailing instrument such as: a fighting chain, heavy studded or chain belt, or objects designed to project a missile; explosives, mace, pepper spray, or any other similar propellant; or any other object or instrument that is made to, or used in a manner to, either inflict or threaten to inflict serious bodily injury or instill fear (e.g., replica/look-alike gun, baseball bat, laser pointer, letter opener, etc.). (See section 1365(h)(3) of 18 U.S.C. (reference (k)))