

POLICY PROHIBITING STUDENT POSSESSION OF DANGEROUS WEAPONS

- 1) In order to provide a safe environment for the students and staff of the Commerce School District, the Board of Education adopts this policy prohibiting the possession and/or use of dangerous weapons, replicas or facsimiles of dangerous weapons and items or instrumentalities which are used to threaten harm or are used to harm any person.
- 2) Dangerous weapons, including but not limited to firearms, are a threat to the safety of the students and staff of the School District. In addition, possession of dangerous weapons, or replicas or facsimiles of dangerous weapons, disrupts the educational process and interferes with the normal operation of the School District.
- 3) For the foregoing reasons and except as specifically provided in paragraph 10 below, possession by any student of a dangerous weapon, as that term is defined in this policy, or a replica or facsimile of a dangerous weapon, while on school property, at a school-sponsored activity, or on a school bus or vehicle, is prohibited. Further, use of any item or instrumentality by a student to threaten harm to any person or which is used to harm any person, while on school property, at a school-sponsored activity, or on a school bus or vehicle, is prohibited.
- 4) For purposes of this policy, "possession of a dangerous weapon" includes, **BUT IS NOT LIMITED TO**, any person having a dangerous weapon: (1) on his person; (2) in his locker; (3) in his vehicle; (4) held by another person for his benefit; or (5) at any place on school property, a school bus or vehicle, or at a school activity.
- 5) A dangerous weapon includes, **BUT IS NOT LIMITED TO**, a pistol, revolver, rifle, shotgun, air gun or spring gun, B-B gun, stun gun, hand grenades, fireworks, slingshot, bludgeon, blackjack, brass knuckles or artificial knuckles of any kind, nun-chucks, dagger, bowie knife, dirk knife, butterfly knife, any knife, regardless of the length or sharpness of the blade, any knife the blade of which can be opened by a flick of a button or pressure on the handle, any pocketknife, regardless of the length or sharpness of the blade, any pen knife, "credit card" knife, razor, dart, ice pick, explosive smoke bomb, incendiary device, sword cane, hand chains, firearm shells or bullets, garrottes, choking devices, mace, pepper spray, and any item whose principal purpose is for use as a weapon, whether offensive or defensive, and any replica or facsimiles of any of the foregoing items, or any item or instrumentality which is used to threaten harm or is used to harm any person or any chemical, material or substance which can cause an irritation to or reacts with human tissue, or any chemical, material or substance used, given, applied to or administered to another person without that person's consent. **THE FOREGOING LIST OF "DANGEROUS WEAPONS" IS DESCRIPTIVE AND BY WAY OF EXAMPLE ONLY AND IS NOT TO BE CONSIDERED AN EXCLUSIVE OR LIMITING LIST OF DANGEROUS WEAPONS. IT WILL NOT BE A DEFENSE TO ANY DISCIPLINARY ACTION UNDER THIS POLICY THAT THE STUDENT POSSESSING THE DANGEROUS WEAPON DID NOT KNOW THAT IT IS A DANGEROUS WEAPON, BUT SUCH CLAIM OF A LACK OF KNOWLEDGE MAY BE CONSIDERED IN MITIGATION OF ANY DISCIPLINARY PENALTY.**
- 6) Any student in possession of a dangerous weapon, or replica or facsimile of a dangerous weapon, in violation of this policy or who uses any item or instrumentality to threaten harm to any person or is used to harm any person may be placed under emergency suspension from school, pending an investigation of the incident by the appropriate school or legal authorities. Students who violate this policy may be suspended from school, barred from school property and all school activities for any period of time up to the maximum period authorized by law. Additionally, appropriate school staff members may seek to file criminal charges against the student.

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- 7) If a teacher or other school employee has a reasonable suspicion to believe that a student is in possession of a dangerous weapon, or a replica or facsimile of a dangerous weapon, the teacher or employee shall immediately investigate the matter and shall confiscate any such weapon found if this can be accomplished without placing any students or staff in jeopardy, and shall immediately notify the principal or the principal's designee. If the teacher or employee does not believe that the weapon can be confiscated safely, the teacher or employee shall immediately notify the principal or the principal's designee of the situation.
- 8) If the principal or his designee learns that a student is believed to be in possession of a dangerous weapon or replica or facsimile thereof, the principal or designee shall observe the following procedure:
- a) Immediately investigate the matter and contact the police or campus security, if appropriate.
 - b) If not already confiscated by an employee of the School District and if it can be accomplished without risk of injury, the principal or designee should take possession of the dangerous weapon or replica or facsimile.
 - c) Notify the superintendent of schools or designee.
 - d) Notify the student's parents.
 - e) Cooperate fully with the police.
 - f) Transfer confiscated weapon to the police department, if feasible.
- 9) A student who has been suspended from another school district because of the possession of a dangerous weapon, or replica or facsimile of a dangerous weapon, shall not be accepted as a transfer student into the School District.
- 10) An exception to this policy may be granted for students participating in an authorized curricular or extracurricular activity or team involving the use or demonstration of a dangerous weapon, or replica or facsimile of a dangerous weapon. For this exception, prior written approval by the principal, in consultation with the superintendent of schools, is required.
- 11) A student's inadvertent or unintentional possession of a dangerous weapon or replica or facsimile thereof on school property, a school bus or vehicle, or at a school activity is no defense or excuse to compliance to this policy, but may be considered in determining the length or severity of any punishment for violation of this policy.
- 12) Notwithstanding any of the foregoing provisions, rights of due process for all students and rights of disabled students must be observed in accordance with applicable law and school board policies.
- 13) Students found to be in violation of this policy shall be referred to the appropriate criminal juvenile justice system. Any firearms found on the premises shall be reported to law enforcement and will immediately be turned over to local law enforcement per state law requirements.

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