

WEAPONS

The board believes weapons, look-alikes, firearms and other dangerous objects do not belong in school district facilities, on school property or on property within the jurisdiction of the school district. The presence of weapons, look-alikes, firearms and other dangerous objects cause material and substantial disruption to the school environment and present a threat to the health and safety of students, employees and visitors on the school district premises or property within the jurisdiction of the school district.

School District Jurisdiction

School district jurisdiction shall include: all school district property, facilities, school sponsored activities, at home or away, and off-school district property if an incident could have an adverse impact on the order and operation, efficient management and/or welfare of the school district.

It is the responsibility of the superintendent, in conjunction with the administrative team, to develop regulations regarding this policy.

Legal Reference: No Child Left Behind, Title IV, Sec. 4141, P.L. 107-110 (2004).
Improving America's Schools Act of 1994, P.L. 103-382.
18 U.S.C. § 921 (2006).
McClain v. Lafayette County Bd. of Education, 673 F.2d 106 (5th Cir.1982).
Iowa Code §§ 279.8; 280.21B; 724 (2014).
281 I.A.C. 12.3(6)

Cross Reference: 502 Student Rights and Responsibilities
503 Student Discipline
507 Student Health and Well-Being

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Definitions

A dangerous weapon, defined under Section 702.7 of the Iowa Code, “is any instrument or device designed primarily for use in inflicting death or injury upon a human being ...any instrument or device of any sort whatsoever which is actually used in such a manner as to indicate that the defendant intends to inflict death or serious injury upon the other...”

Weapons (Not firearms)

- A. Articles commonly used or designed to inflict bodily harm or to intimidate other persons. Dangerous weapons include but are not limited to firearms, knuckles, chemical irritants, knives of all types, chains, clubs, stars, daggers, razors, instruments equipped with sharp blades or points, look-alike/mock/replica weapons, shells, ammunition or any other explosive material, etc.
- B. Articles designed for other purposes but which are being used or threatened to be used to inflict bodily harm or intimidate students or staff. These articles include but are not limited to: baseball bats, belts, combs, pencils, files, compasses, scissors, chemical irritants, chains, screw drivers, etc.

Look-alikes

Are identified as objects that could be mistaken for dangerous weapons and/or used in a threatening manner.

Firearms

Firearms defined under Section 921 or Title 18 U.S. Code, are:

1. 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 any such weapon; however, a BB gun or pellet gun does not meet the federal definition of a firearm;
2. The frame or receiver of any such weapon;
3. Any firearm muffler or firearm silencer; or
4. Any destructive device.

Possession

Students may not possess weapons, toy weapons, look-alikes, firearms or other dangerous objects within school district jurisdiction. Possession shall be defined as having weapons, toy weapons, look-alikes, firearms and other dangerous objects under the student’s personal control which includes the student’s person, vehicle, clothing, outerwear, bikebag, purse, desk, bookbag, locker or other container or area of confinement used by the students whether personal or school-owned.

Students may not have hunting rifles, shotguns, starter pistols, or any other firearm in their vehicle if that vehicle is within school district jurisdiction.

Disciplinary Action

Firearm

Students found in possession of a firearm within school district jurisdiction shall be recommended for expulsion for not less than twelve months and shall be referred to law enforcement officials. The superintendent shall have the authority to recommend this expulsion requirement be modified on a case-by-case basis.

Weapons and Other Dangerous Objects

Any student who brings weapons or other dangerous objects within school district jurisdiction may be immediately suspended from school and recommended to the school board for expulsion. The superintendent may recommend a modification of the disciplinary action on a case-by-case basis. In deciding the students' disciplinary action, the superintendent shall confer with the building principals to consider the student's status including age, grade, behavioral history, special needs, and the circumstances under which the student brought the weapon or dangerous object to school including his/her knowledge, purpose and level of aggressiveness with the weapon or dangerous object.

Look-alike/mock/replica/toy weapons

Any student who brings a look-alike/toy weapon within school district jurisdiction may be subject to disciplinary actions which may include detention, in-school suspension, out-of-school suspension, or expulsion depending on the circumstances under which the student brought the look-alike/mock/replica/toy weapon to school including his/her knowledge, purpose, and level of aggression with the look-alike or toy weapon.

Failure to Report

Students who have knowledge or a belief of the existence of a weapon, look-a-like, firearm, or other dangerous objects within the school district jurisdiction shall promptly report that information to a school official. Failure to report that information to proper officials may subject the student(s) to disciplinary action.

Parents of students found to possess weapons, dangerous objects or look-a-likes on school property are notified of the incident. Possession or confiscation of weapons or dangerous objects will be reported to law enforcement officials, and students will be subject to disciplinary action including suspension or expulsion.

Special Education Students

Identified special education students that possess weapons, toy weapons, look-alikes, firearms or other dangerous objects within the school district jurisdiction shall be treated in a manner consistent with the Individuals with Disabilities Education Act. Under this law, special education students may be placed in an alternative setting for not more than 45 calendar days, unless the parent/guardian appeals, in which case the student stays in the alternative placement pending the due process hearing. Prior to the alternative placement, the staffing team will meet for the purpose of discussing the student's Individual Educational Plan (IEP). The two issues that must be discussed at the IEP staffing are 1) Was the student's placement appropriate at the time of the misconduct? And 2) Is the misconduct related to his/her disability? If the answer to (1) is "yes" and to (2) "no", then the student may be placed in an alternative setting. If the conduct was related to the student's disability, the staffing team should give serious consideration to changing that student's placement. If the 45

day placement is appropriate, then the staffing team must reconvene prior to the conclusion of the 45 days to determine the appropriate future placement of the student. A student with disabilities has the right to continue his/her education: his/her placement may be changed and his/her program may be modified by the staffing team.

Parent Notification

Parents of students found to possess weapons, toy weapons, look-alikes, firearms and other dangerous objects within school district jurisdiction shall be notified of the incident.

Law Enforcement Exemption

Weapons under the control of law enforcement officials are exempt from this policy. The principal may allow authorized persons to display weapons, other dangerous objects or look-a-likes for educational purposes. Such a display will also be exempt from this policy.