

## BP 5131.7 WEAPONS AND DANGEROUS INSTRUMENTS

Students shall not bring to, possess, or use deadly weapons, firearms, dangerous instruments, or their replicas in school buildings, on school grounds or district-provided transportation, or at any school-related or school-sponsored activity away from school, unless written permission has been previously obtained from the Superintendent or designee specifically authorizing that possession or use. Students who violate this policy are subject to disciplinary action in accordance with district policy and procedures.

School employees may confiscate weapons or dangerous instruments on school grounds or at school-related or school-sponsored activities in order to maintain discipline and to protect the welfare and safety of students, staff and the public.

The District shall, by regulation, define the terms "deadly weapon," "dangerous instrument," and "firearm."

Note: School districts receiving funding under the "Elementary and Secondary Education Act of 1965 (20 USC 2701, et. seq.) (ESEA), are required by the "Gun-Free Schools Act" (GFSA) to adopt a policy provision mandating a minimum of a one-year expulsion of any student bringing a firearm to school or to any school activity. The legislation enacting the GFSA requires the act to be construed consistently with the Individuals with Disabilities Education Act (IDEA). The United States Department of Education has taken the position that these limits on the expulsion of certain special education students under Part B of IDEA and Section 504 of the Rehabilitation Act (Section 504) can be accommodated through application of the Superintendent's ability to modify expulsion recommendations on a case-by-case basis. Similarly, accommodations can be made for districts that have extra-curricular firearms programs, since the GFSA does not prohibit the presence at school of guns that are to be used solely for sporting, recreational or cultural purposes.

Note: In addition to the one year expulsion required by federal law for a firearm violation, state law, AS 14.03.160, provides further requirements for weapons violations. Possession of a deadly weapon other than a firearm must result in a minimum 30 day suspension, with the option of a one year expulsion or permanent expulsion. However, any expulsion or suspension under the weapons policy may be modified by the Superintendent on a case-by-case basis. State law also defines requirements for a school district's weapons policy. These include referring to law enforcement those students who violate the policy and the identification of procedures and conditions for early reinstatement. Finally, state law requires each school district to prepare an annual report to the Alaska Department of Education identifying the number of students expelled for weapons violations and the types of weapons involved.

The School Board shall expel any student who brings a firearm to school in violation of this policy for a period of not less than one (1) calendar year. The Board shall suspend

for at least 30 days, or expel for the school year, or permanently, a student who possesses a deadly weapon other than a firearm. The district may consider requests for early reinstatement by students suspended or expelled for violations of this policy. The Superintendent shall develop procedures and conditions for early reinstatement.

The Superintendent may, on a case-by-case basis, recommend a modification of these periods of suspension or expulsion. Such modification recommendation shall involve consideration of all relevant factors, including those in aggravation and mitigation of the violation, and, for students with disabilities, whether violation of this policy is a manifestation of the student's disability.

The Superintendent shall be responsible for reporting all violations of this policy to the Board and shall make all required reports to state, local, and federal agencies. The Superintendent shall also be responsible for referring to law enforcement authorities any student who violates this policy.

*(cf. 3514 - Safety)*

*(cf. 4158/4358 - Employee Security)*

*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

*(cf. 5144.2 – Suspension and Expulsion (Individuals with Exceptional Needs))*

*Legal Reference:*

*Gun-Free Schools Act of 1994 ([Pub.L. 89-10](#), Title VIII, s 8001, as added [Pub.L. 103-227](#), Title X, s 1032(3), March 31, 1994, 108 Stat. 270.)*

*Individuals with Disabilities Education Act ([Pub.L. 94-142](#))*

*1973 Rehabilitation Act, Section 504*

*Elementary and Secondary Educational Act of 1965*

*Americans with Disabilities Act, [42 U.S.C. Sec. 12183\(b\)](#)*

#### ALASKA STATUTES

[11.61.210](#) *Misconduct involving weapons in the fourth degree*

[11.81.900](#) *Definitions*

[14.03.160](#) *Suspension or expulsion of students for possessing weapons*

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**Craig City School District**