

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," ~~and~~ "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 School 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 ~~or designee~~ shall develop procedures and conditions for early reinstatement.

The Superintendent may, on a case-by-case basis, recommend a modification of ~~this period 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 ~~suspension violation of this policy is appropriate if a manifestation of the student has an individual education plan student's disability~~.

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

~~The superintendent or designee shall permit the possession of weapons, dangerous or deadly instruments, or their replicas at school or at school-related or school-sponsored activities only at the request of a teacher and with the assurance that such possession serves a positive, appropriate purpose. Before granting permission, the superintendent or designee shall verify that proper precautions have been taken to ensure that no accidents will occur and that the weapon or dangerous or deadly instrument will not be misused while under school supervision.~~

Weapons Reports

~~A school employee confiscating any weapon or dangerous or deadly instrument shall deliver it to the building principal/Lead Teacher or other appropriate authority immediately.~~

~~If an employee confiscates a weapon or dangerous or deadly instrument or knows or suspects that a student possesses such a weapon or instrument which has not been confiscated, the employee shall report the matter to the principal immediately, and the principal/Lead Teacher shall take appropriate action.~~

~~When informing the principal/Lead Teacher about the possession or confiscation of a weapon or dangerous or deadly instrument, the employee shall report the name(s) of persons involved, the names of any witnesses, and the location and circumstances of the matter.~~

~~The principal/Lead Teacher shall report any possession of a weapon or dangerous or deadly instrument to the student's parents by telephone or in person, if practicable, and shall follow this notification with written notification to the parents, and shall report all violations of this policy to the superintendent.~~

Disciplinary Action

~~The principal/Lead Teacher shall take appropriate disciplinary action in accordance with existing Board policies and regulations and shall report all such actions to the superintendent.~~

~~When the weapon involved is a firearm, as defined in [Section 921 of Title 18 of the United States Code](#), or a deadly weapon as prohibited in [AS 14.03.160](#), the principal shall immediately refer the matter to the superintendent for appropriate action. In cases of firearms, the Superintendent shall recommend the student's expulsion from school for a period of not less than one (1) calendar year. In cases of deadly weapons, the Superintendent or designee shall suspend the student for a period not less than 30 days. A different period of suspension or expulsion may be justified after consideration of the matter on a case-by-case basis. The Superintendent or designee shall consider any special circumstances involved in the violation, including those in aggravation or mitigation. The Superintendent or designee~~[The Superintendent](#) shall also be responsible for referring to law enforcement authorities any student who violates this policy.

~~If the student involved has an individual education plan, an IEP team meeting will be called to determine whether there is a connection between the behavior and the disability and to determine appropriate discipline or placement of the student, in accordance with applicable law.~~

~~The Superintendent shall provide the Board with a written report of all violations of this policy, including the circumstances of the violation, the type of weapon involved, and the disciplinary or other action taken in response to the violation of policy.~~

Note: School districts receiving funds from the state made available under the "Elementary and Secondary Education Act of 1965," ([20 USC 2701, et seq.](#)) are required to make the following report to the Alaska Department of Education in any application for such assistance.—

(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*

(Revised 11/02)

Reports to State of Alaska

~~In addition to the Superintendent's report to the School Board of violations of the Board's policies on weapons and dangerous instruments, the Superintendent shall provide a report to the Alaska Department of Education with a description of the circumstances surrounding expulsions imposed under Board policy relating to violations of the Board's policy on weapons and dangerous instruments. This report shall include, at a minimum, the following information:~~

- ~~1. The name of the school concerned.~~
- ~~2. The number of students expelled from such school.~~
- ~~3. The types of weapons or dangerous instruments concerned.~~

Definitions

~~The term "Firearm" shall have the meaning as defined in [section 921 of Title 18, United States Code](#).~~

~~The terms "Weapon" and "Dangerous Instruments" are defined as including, to the extent they are not already included in the above definition, any pistol, revolver, rifle, shotgun, air gun, spring gun or zip gun, any bomb or other explosive, including fireworks, any poison, any dangerous or deadly gas, any slingshot, bludgeon, nightstick, straight razor or throwing star, brass knuckles or artificial knuckles of any kind, any knife having a blade of greater than three inches in length, any knife the blades of which can be opened by a flick of a button or pressure on the handle, or any pocketknife where the blade is carried in an opened or partially opened position.~~

~~The term "parent," shall include legal guardians, foster parents, or other individual(s) who have a similar legal responsibility for the child.~~

~~([cf. 3514](#)—*Safety*)~~

~~([cf. 4158/4258/4358](#)—*Employee Security*)~~

~~([cf. 5144.1](#)—*Suspension and Expulsion/Due Process*)~~

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Southeast Island School District