

Dell Rapids School District #49-3



Policies and Regulations Code: JFCJ – Students

JFCJ DANGEROUS WEAPONS IN THE SCHOOLS

The possession/use of weapons or look-alike weapons are regulated by state law and the School Board policies.

SDCL 13-32-7. Possession of firearms on elementary or secondary school premises or vehicle as misdemeanor— Exceptions. Any person, other than a law enforcement officer, who intentionally carries, has in his possession, stores, keeps, leaves, places, or puts into the possession of another person, any firearm, or air gun, whether or not the firearm or air gun is designed, adapted, used, or intended primarily for imitative or noisemaking purposes, or any dangerous weapon, on or in any elementary or secondary school premises, vehicle, or building or any premises, vehicle, or building used or leased for elementary or secondary school functions, whether or not any person is endangered by such actions, is guilty of a Class 1 misdemeanor. This section does not apply to starting guns while in use at athletic events, firearms, or air guns at firing ranges, gun shows, and supervised schools or sessions for training in the use of firearms. This section does not apply to the ceremonial presence of unloaded weapons at color guard ceremonies.

PROHIBITION: No person, shall intentionally carry, have in his or her possession, store, keep, leave, place or put into the possession of another person any weapon on any school premises, (in any vehicle on any school premises) in any school vehicle used by the school or for school purposes, in any school building or other building or premises used for school functions, whether or not any person is endangered by such actions.

For purposes of this policy, the term “weapon” shall include:

- A. Any controlled weapon including a firearm silencer, machine gun, or short shotgun as those terms are defined in SDCL 22-1-2(16), 22-1-2(17), 22-1-2(23), and 22-1-2(46);
 - SDCL 22-1-2(17) “Firearm silencer,” any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol, or other firearm to be silent, or intended to lessen or muffle;
 - SDCL 22-1-2(23) “Machine gun,” any firearm, whatever its size and usual designation, that automatically discharges two or more cartridges by a single function of the firing device;
 - SDCL 22-1-2(46) “Short shotgun,” a shotgun having a barrel less than eighteen inches long or an overall length of less than twenty-six inches;
- B. Any “dangerous weapon” or “deadly weapon,” including any firearm, knife or device, instrument, material or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm, or by the manner in which it is used is likely to inflict death or serious bodily harm;
- C. Any “destructive device” including any bomb, grenade, explosive missile or similar device or any launching device therefore or any breakable container which contains flammable liquid with a flash-point of one hundred and fifty degrees Fahrenheit or less and has a wick or similar device capable of being ignited. For purposes of this policy, this term includes fireworks, rifles used for sporting purposes and other devices which would otherwise be excluded under the definition found in SDCL 22-1-2(13);
- D. Any “explosive” including any substance, or combination of substances, that is used for the purpose of detonation and which, upon exposure to any external or internal force or condition, is capable of a relatively instantaneous release of gas and heat, including fireworks;

- E. Any "firearm" including any weapon from which a projective or projectiles may be discharged by gunpowder. As used in this provision, the word "gunpowder" includes any propellant that up upon oxidation emits heat and light and is commonly used in firearms cartridges;
- F. Any "stun gun" including any battery-powered, pulsed electrical device of high voltage and low or no amperage that can disrupt the central nervous system and cause temporary loss of voluntary muscle control of a person;
- G. Any "ballistic knife": including and knife encased in a tubular metal sheath which when removed, uncovers a detachable blade that can be propelled by a spring mechanism operated at the push of a button;
- H. Any "knife," "club," "numchuk," "SLING-SHOT-DEVICE" or similar item which is designed to, intended to or used in such a manner as to incapacitate or cause any bodily injury or any threat of bodily injury BY THE DESIGNER OR USER OF THE ITEM.

This section does not apply to starting guns while in use at athletic events, firearms, or air guns at firing ranges, gun shows, and supervised schools or sessions for training in the use of firearms. This section does not apply to the ceremonial presence of unloaded weapons at color guard ceremonies.

PENALTY: Any violation of SDCL 13-32-7 shall be reported to local law enforcement authorities. (SDCL 13-32-4).

Violation of this policy will result in suspension or expulsion according to the suspension and expulsion policies of the school district. Referral to the Board of Education for appropriate disciplinary action up to and including expulsion. Unless there are unusual mitigating factors, the penalty for the offense will be expulsion.

The period of expulsion may extend beyond the semester in which the violation, insubordination, or misconduct occurred. If a student has intentionally brought a firearm onto school premises, the expulsion may not be for less than twelve months. However, the school board may increase or decrease the length of a firearm-related expulsion on a case-by-case basis. (SDCL 13-32-4).

LOOK-ALIKE WEAPONS

PROHIBITION: No person shall carry, have in his or her possession, store, keep, leave, place or put in the possession of another person any look-alike weapon on any school premises, in any school vehicle or any vehicle used by the school or for school purposes, in any school building or other building or premises used for school functions, whether or not any person is endangered by such actions. "Look-alike weapon" means any item which resembles or appears to be a weapon, including but not limited to squirt guns, water rifles or pistols, slingshots, toy guns, toy grenades and other similar items.

1ST OFFENSE PENALTY: The school administration shall have the authority to determine the extent and nature of the disciplinary action based upon the student's age, the actions of the student in possessing and using the look-alike weapon, the student's intent and the nature of the look-alike weapon and proximate resemblance to the real weapon. The disciplinary action which may be imposed includes, but is not limited to: conference with the student and parent; detention; suspension for up to six days; and referral to the Board of Education; and referral to the Board of Education for disciplinary action including long-term suspension and expulsion.

2ND & ALL SUBSEQUENT OFFENSES PENALTY: After the first offense, violations will result in suspension or expulsion according to the suspension and expulsion policies of the school district)

LEGAL REFS.: Improving America's Schools Act of 1994, P.L. 103-392, page 59
SDCL 13-32-7; 13-32-14.2; & 22-1-2

ADOPTED: 12-1994 **REVIEWED:** 06/2012
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