

STUDENTS

Weapons/Explosives/Fireworks

Weapons, explosives and fireworks are considered dangerous and substantially and materially disruptive to the educational and work environment and to school sponsored events. The Superintendent or designee is authorized to take all actions necessary to prohibit the presence of such items in the educational and work environment and at school sponsored events unless specifically authorized by the Superintendent or designee to be present.

A. General prohibition

Students are prohibited from possessing, handling, using, or distributing any weapon while under the control and/or supervision of the School Division as set out in policy and regulation. ~~on School Board property (including any school bus), on the way to or from school or while at any school sponsored or related activities.~~

B. Fireworks

Students are ~~also~~ prohibited from possessing, distributing, discharging, or participating in the discharge of any fireworks or similar item capable of producing a combustible or explosive reaction by fire, friction, concussion, percussion or detonation, including, but not limited to, firecrackers.

C. Discipline

Any student in grades 6-12 who is found to be in violation of Subsection A or B shall automatically be recommended for suspension, long-term suspension or expulsion and shall be reported to law enforcement~~the police~~. Any student in grade K-5 who is found to be in violation of subsection A or B may receive a range of discipline in accordance with the Discipline Guidelines and based upon the circumstances of each case. ~~Except that a~~ A student who possesses a firearm or pneumatic weapon ~~on school property, at a school sponsored or related activity or while on the way to or from school~~ shall be recommended for expulsion and shall be expelled absent the imposition of a lesser penalty by a hearing officer, the School Board or a disciplinary committee thereof. Additionally, any weapon, or any fireworks or similar item, involved in such violation shall be confiscated from the student and turned over to law enforcement~~the police~~.

D. Definition

For purposes of this Regulation, the term "weapon" shall be defined as any instrument that:

_____ (1.) is used;

_____ (2.) is capable of being used;

_____ (3.) is designed to be used; or

_____ (4.) appears to be capable of being used or designed to be used, in offensive or defensive combat, and shall include, but not be limited to, the following: ~~(a)~~ any firearm or pneumatic weapon; ~~(2b)~~ any knife; ~~(3c)~~ any object which is either designed or actually used to inflict bodily injury, or to place a person in fear of bodily injury; ~~(4d)~~ any object which could reasonably be considered to be a weapon; ~~(5e)~~ any object which, by its design or use, looks like a weapon (hereinafter referred to as a "look-alike weapon"); and ~~(6e)~~ any object listed and/or defined in the Code of Virginia, §§ 18.2-308, 18.2-308.1 and 22.1-277.04, or in 18 U.S.C. § 921, **all as amended.**

E. Factors in determining if a "weapon" ~~Principal or designee determines if weapon~~

Each principal **or designee** shall be responsible for determining whether an object constitutes a "weapon" as defined in Subsection D, ~~including items (3)–(6) in Subsection D.~~

F. Factors in determining if a weapon

If a principal or designee determines that an object constitutes a "weapon" as defined in Subsection D, he or she shall follow the requirements of Subsection C. In determining whether an object which is not normally designed or intended for use as a weapon (e.g., a toy gun) could reasonably be considered to be a weapon or constitutes a "look-alike weapon", a principal **or designee** should consider the following:

1. Whether it is reasonable that a person would mistake the object for a weapon;
2. Whether the object was used for the purpose of threatening, intimidating, harassing, or harming another person; and/or
3. Whether it was the intent of the student who possessed, handled, used or distributed the object to cause another person, or other persons, to believe that the object was, in fact, a weapon or to cause fear or intimidation to another person.

~~G. If a principal determines that an object constitutes a "weapon" as defined in Subsection D, he or she shall follow the requirements of Subsection C.~~

F.GH. Discipline for items not meeting definition of "weapon"

If a principal **or designee** determines that an object does not constitute a "weapon" as defined in Subsection D, the principal **or designee** may nevertheless take such disciplinary action as he or she deems appropriate in accordance with the Code of Student Conduct.

~~For children with disabilities see School Board Regulation 5-21.3.~~

Legal Reference:

Code of Virginia, § 18.2-308, as amended, Personal protection; carrying concealed weapons; when lawful to carry.

Code of Virginia, § 18.2-308.1, as amended, Possession of firearm, stun weapon, or other weapon on school property prohibited; penalty.

Code of Virginia, § 18.2-85, as amended, Manufacture, possession, use, etc., of fire bombs or explosive materials or devices; penalties.

18 U.S.C. §§ 921, 930 (g) (2), as amended.

~~Individuals with Disabilities in Education Improvement Act – as amended.~~

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APPROVED AS TO
LEGAL SUFFICIENCY

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