

## WEAPONS IN SCHOOLS

The Colorado Springs School District 11 Board of Education (the Board) prohibits weapons in or on school property. The Board also prohibits weapons off school grounds where the carrying, bringing, using, or possessing of a weapon creates a threat of physical harm to or physically harms a student or school personnel, is detrimental to the welfare or safety of a student or school personnel, adversely affects the discipline in any school, or adversely affects the educational program in any school. A student who violates this policy may be suspended and/or expelled, depending on the nature of the violation. This policy applies to Colorado Springs School District 11 (the District) students. Please refer to Policy KFA for guidance regarding District staff and general public weapons possession or use.

### A. Definitions

1. Illegal weapon : For purposes of this policy, an "illegal weapon" is defined as:
  - a. A firearm, whether loaded or unloaded; whether operational or non-operational
  - b. Gravity knives, butterfly knives and switchblades
  - c. Any other object, device, instrument, material, or substance defined as an unlawful weapon pursuant to city ordinance, state statute, or as otherwise provided by law.
2. Dangerous weapon: For the purposes of this policy, a "dangerous weapon" is defined as:
  - a. Any pellet or "B.B." gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air (this includes paintball guns and airsoft guns)
  - b. A fixed blade knife with a blade that measures longer than three inches in length or a spring loaded knife or a pocket knife with a blade longer than three and one-half inches;
  - c. Any object, device, instrument, material, or substance, whether animate or inanimate, that is used or intended to be used by the student to inflict serious bodily injury or death, including, but not limited to bludgeons, brass knuckles, artificial knuckles, bows and arrows, blow guns, sling shots, poisons, explosive devices.,
3. Standard weapons and weapons facsimiles: For purposes of this policy, a standard weapon includes any object, device, instrument, material or substance, whether animate or inanimate, that is used or intended to be used by the student to inflict bodily injury of a lesser degree than serious bodily injury, or is designed to inflict bodily injury of a lesser degree than serious bodily injury, regardless of the student's intent. For purposes of this policy, a standard weapon includes, but is not limited to, pepper spray, chemical mace, laser pointers used in a nonacademic manner, tasers and stun devices and all knives that do not meet the definition of a dangerous weapon under this policy. Weapon facsimile: any facsimile of a weapon; a weapon facsimile is any object, device, instrument, material or substance that substantially mimics a weapon (note: a weapon facsimile may also be considered a weapon under this policy, based, among other things, on its use or intended use.);
4. Serious Bodily Injury: Bodily injury which, either at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement, a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or breaks, fractures, or burns of the second or third degree.
5. School property: For purposes of this policy, school property includes: 1) all District property, including but not limited to school buses and school facilities, 2) any non-District property on which a District- or school-sponsored activity or event occurs; and, 3) any other non-District property or location where the

behavior engaged in may have a direct impact on school discipline or be detrimental to the welfare or safety of students or staff.

6. School personnel: as used in this policy, school personnel means any District officer, director, employee, volunteer, representative, agent, or visitor.

## **B. Grounds for suspension and expulsion**

Under applicable laws, the grounds for disciplining a student for a weapons violation depends upon where the violation has occurred and the kind of weapon involved. Students who violate the provisions of this policy may face suspension and/or expulsion from school, depending on the nature and location of the violation. In accordance with applicable law, school personnel will refer to law enforcement any student who brings a firearm, dangerous, and/or illegal weapon to school without authorization of the school or the District.

## **C. Application of this policy**

1. This policy shall apply whether or not a weapon or weapon facsimile is operational.
2. For purposes of determining a student's intent in section B(1)(e) of this policy, there shall be a presumption that the primary purpose of carrying, bringing, using, or possessing the object, device, instrument, material or substance is to inflict death or serious bodily injury.
3. School administration shall investigate all weapons violations related to section B (2) to determine if the primary purpose of carrying, bringing, using, or possessing the object, device, instrument, material, or substance is to inflict bodily injury of a lesser degree than serious bodily injury, to create a threat of physical harm to or physically harm a student or school personnel, to engage in conduct that is detrimental to the welfare or safety of a student or of school personnel, to adversely affect the discipline in a school, or to adversely affect the educational program in a school.
4. School administration shall investigate all weapons facsimile cases to determine if the primary purpose of carrying, bringing, using, or possessing a weapon facsimile is to engage in conduct that is detrimental to the welfare or safety of a student or of school personnel, to adversely affect the discipline in a school, or to adversely affect the educational program in a school.
5. It shall be no defense or excuse that a student carried, brought, used, or possessed a weapon or weapon facsimile for the purpose of self-defense or the defense of another.
6. In accordance with Colorado Revised Statute § 22-33-106 (1.5), expulsion shall be for no less than one full calendar year for a student who is determined to have brought a firearm to school. The Superintendent or his/her designee may modify the length of this expulsion requirement on a case-by-case basis in writing. All other violations of this policy may result in expulsions of up to one calendar year.

## **D. Exceptions**

Suspension shall not be mandatory under this section if, when the student discovers that he or she has carried, brought, or is in possession of a weapon or weapon facsimile, the student notifies a teacher, administrator, or other authorized person in the school district as soon as possible and delivers the weapon or weapon facsimile to any such person. Such action shall be considered when determining appropriate disciplinary action, if any. The safe harbor provision does not apply to illegal weapons or firearms.

With principal approval, exceptions to this policy may be made for students participating in an authorized extracurricular activity or team involving the use of weapons such as firearms, or a student in possession of a weapon for use in an approved educational program which includes but is not limited to any course designed for the repair and maintenance of weapons. An exception would also apply to students presenting an authorized public demonstration for the school or an organized class.

Adopted December 1994  
Revised September 1996  
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LEGAL REFS.:       C.R.S. 9-7-103(3)&(4)  
                          C.R.S. 18-1-901 (3)(e)  
                          C.R.S. 18-1-901 (3)(p)  
                          C.R.S. 18-9-118  
                          C.R.S. 18-12-101  
                          C.R.S. 18-12-105.5  
                          C.R.S. 22-33-102 (4)  
                          C.R.S. 22-33-106 (1)(d)  
                          C.R.S. 22-33-106 (1.5)  
                          18 U.S.C. 921 (a)(3) (federal definition of "firearm")  
                          20 U.S.C 7151 (Gun-Free Schools Act)

CROSS REFS.:       JK Student Discipline  
                          JKD/JKE Student, Suspension/Expulsion/Denial of Admission  
                          KFA Public Conduct on School Property