

**RSU #63**

- a. **NEPN/NSBA Code:** JICIA
- b. **Title:** Weapons, Violence, and School Safety
- c. **Author:**
- d. **Replaces Policy:** JICI-Weapons in School
- e. **Date Approved:** 09/25/2017
- f. **Previously Approved:** 12/14/2015
- g. **Policy Expiration:** Review as Needed
- h. **Responsible for Review:** Superintendent/Policy Committee
- i. **Date Reviewed:** 09/12/2017 Superintendent  
09/12/2017 Policy Committee
- j. **References:**       **Legal References:** 5 MRSA § 4681 et seq.  
15 MRSA §§ 3301-A; 3308(7)(E); 3009  
17-A MRSA §§ 2(9); 2(12-A)  
20 USCA § 7151 (Gun-Free Schools Act)  
20-A MRSA §§ 1001(9); 1001 (9-A); 1055(11);  
6552  
P.L. (Maine) Chapter 614

**Cross Referenced Policies: ACAA-Harassment and Sexual Harassment of Students**

- ADC-Tobacco Use and Possession**
- EBCA-Crisis Response Plan**
- JICH-Drug and Alcohol Use by Students**
- JK- Student Discipline**
- JKD-Suspension of Students**
- JKE-Expulsion of Students**
- JKF-Suspension/Expulsion of Students with Disabilities**
- JIH-Questioning and Searches of Students**
- KLG-Relations with Law Enforcement Authorities**

**k. Narrative:**

The RSU #63 Board (the Board) believes that students and staff are entitled to learn and work in a school environment free of violence, threats, and disruptive behavior. Students are expected to conduct themselves with respect to others and in accordance with Board policies, school rules, reasonable unwritten behavior expectations, and applicable state and federal laws.

School staff are required to report immediately incidents of prohibited conduct by students to the building administrator for investigation and appropriate action.

**I. Prohibited Conduct:**

Students, staff, and all other persons are prohibited from engaging in the following conduct on school property, while in attendance at school or at any school-sponsored activity, or at any time or place that such conduct directly interferes with the operations,

discipline, or general welfare of the school.

- A.** Possession and/or use of articles commonly used as weapons or designed to inflict bodily harm and/or to threaten, intimidate, coerce, or harass another person. Examples of such articles include, but are not limited to, firearms, BB guns, pellet guns, any other kind of gun, ammunition, explosives, cross-bows, brass knuckles, switchblades, knives, chains, clubs, Kung Fu stars, and nunchucks;
- B.** Use of any object, although not necessarily designed to be a weapon, to inflict bodily harm and/or threaten, intimidate, coerce, or harass another person. Examples of such articles include, but are not limited to, bats, belts, picks, pencils, compasses, objects capable of ignition (e.g. matches, lighters), files, tools of any sort, an replicas of weapons (including toys);
- C.** Violent or threatening behavior including, but not limited to, fighting, assault and/or battery, taking hostages, threats to commit violence against persons or property (e.g., verbal or written death threats, threats of bodily harm, bomb threats);
- D.** Verbal or written statements (including those made using computers or other electronic communication devices or technologies) which threaten, intimidate, or harass others, or which tend to incite violence and/or disrupt the school program;
- E.** Willful and malicious damage to school or personal property;
- F.** Stealing or attempting to steal school or personal property;
- G.** Lewd, indecent, or obscene acts or expressions of any kind;
- H.** Violations of the District's drug/alcohol and tobacco policies;
- I.** Violations of state or federal laws; and
- J.** Any other conduct that may be harmful to persons or property.

## **II.** Exceptions to Prohibitions on Possession and Discharge of Firearms on School Property

The prohibition on the possession and discharge of firearms on school property does not apply to law enforcement officials acting in the performance of their duties.

## **III.** Use of Other Weapons in Instructional Activities

- A.** Nothing in this policy will prevent the school system from offering instructional activities using objects other than firearms that are generally considered weapons (e.g. bows and arrows) or from allowing an object generally considered a weapon to be brought to school for supervised instructional activities (e.g., archery, boat building) approved by the Board, so long as the Board has adopted appropriate safeguards to ensure student and staff safety.

- B.** Any proposal to introduce an instructional activity involving such objects must be submitted in writing to the Superintendent, who will make a recommendation to the Board. Such proposal must state the objects of the activity and describe the safeguards that will be put in place to ensure student and staff safety.
- C.** No weapons or objects that are generally considered weapons may be used in instructional activities or brought to school for instructional activities unless the Superintendent/designee has given specific permission in advance.

#### **IV. Disciplinary Action**

- A.** Principals may suspend and/or recommend expulsion of students who violate this policy based upon the facts of each case and in accordance with applicable state and federal laws. Conduct which violates this policy is deliberately disobedient and deliberately disorderly within the meaning of 20-A MRSA § 1001(9) and will be grounds for expulsion if found necessary for the peace and usefulness of the school. Such conduct may also be grounds for expulsion under other provisions of 20-A MRSA § 1001(9 and 9-A) that specifically prohibit the use and possession of weapons, infractions of violence, and possession, furnishing, and trafficking of scheduled drugs.
- B.** A student who is determined to have brought a firearm to school or to have possessed a firearm at school will be expelled for a period of not less than one year, except that this requirement may be modified by the Superintendent on a case-by-case basis.
- C.** All firearms violations will be referred to law enforcement authorities as required by law. Other violations of this policy will be referred to law enforcement authorities as required by law.
- D.** Students with disabilities will be disciplined in accordance with applicable federal and state laws/regulations and Board Policy JKF.

#### **V. Notification Team/Confidentiality**

- A.** Maine law authorizes law enforcement officers and criminal justice agencies to share with a superintendent or principal information pertaining to a juvenile when the information is credible and indicates an imminent danger of the safety of students or school personnel on school grounds or at a school function. Maine law requires the District Attorney to notify the superintendent when a juvenile is charged with use or threatened use of force or is adjudicated as having committed one or more juvenile crimes that involve the use or threatened use of force.
- B.** Within ten days or immediately if necessary for school safety, the Superintendent will convene a notification team. The notification team must include the administrator/designee of the school building where the student attends, at least one classroom teacher to whom the student is assigned, a guidance counselor, and the student's parent/guardian. The notification team will determine on this basis of need which school employees are entitled to receive information concerning

allegations or adjudications of use or threatened use of force. Information received by the Superintendent/designee and disclosed to the notification team and/or disclosed to school employees is confidential and may not become part of the student's educational record.

- C. The superintendent will ensure that confidentiality training is provided to all school employees who have access to this information.

**NOTE: As the composition of a specific notification team depends upon the individual student (one student will have different teachers than another, for example), and because teams are convened only as needed, the teams are not static. While determining who should be on a team is an easy matter, the determination of who has the "need to know" and, therefore, should be given or have access to confidential information is not necessarily so easy. The Board and Superintendent should contact MSMA or their school attorney when questions concerning confidentiality arise.**

## VI. Psychological Evaluation/Risk Assessment

- A. The Board authorizes the Superintendent to request an immediate psychological evaluation of a student who engages in conduct prohibited by this policy when, in his/her opinion, such an evaluation will assist in assessing the risk the student poses to school safety if the student were to remain in school.
- B. The Superintendent is also authorized to request psychological evaluations of students who have been identified as posing a substantial risk of violent behavior.
- C. All such evaluations will be performed at the District's expense.
- D. If the parent/guardian and/or student refuse to permit a requested psychological evaluation, the Superintendent and the Board may draw any reasonable inferences from the student's behavior concerning the risk the student poses to school safety for purposes of determining appropriate action.