

## **FFD: Possessing a Weapon**

### **Definitions**

This policy defines the following:

- *Dangerous weapon* means, as defined in 18 U.S.C. 930(g)(2), a weapon, device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury, except that such term does not include a pocket knife with a blade of less than 2 ½ inches in length.
- *Firearm* is defined in accordance with 18 U.S.C. 921. (1) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm silencer; or (4) any destructive device. The term does not include an antique firearm.

*School property* is as defined in NDCC 15.1-19-10(6)(c) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

### **Prohibitions**

No student will knowingly possess, handle, carry, or transmit any weapon or dangerous objects, or look-a-likes, in any school building, on school grounds, in any school vehicle or at any school-sponsored activity.

Students are prohibited from possessing on school property or at a school function a firearm, dangerous weapon, or any object that is used, attempted to be used, or threatened to be used to intimidate or cause bodily harm.

### **Disciplinary Consequences**

Violation of this policy will result in disciplinary action up to and including suspension or expulsion. Bringing a weapon other than a firearm to school will require that proceedings for the suspension for up to 10 days and/or expulsion for up to 12 months be initiated immediately in accordance with the district's suspension and expulsion policy.

Bringing a firearm to school will require that the district immediately initiate proceedings for the expulsion of the student involved for a minimum of one calendar year in accordance with the district's suspension and expulsion policy. The Superintendent may modify the length of a firearms-related expulsion on a case-by-case basis based on the following criteria:

1. The totality of the circumstances, including the severity of the incident and the degree of endangerment of other students and staff.
2. The age and grade level of the student.
3. The prior disciplinary history of the student being expelled.
4. Relevant factors which contributed to the student's decision to possess a firearm in violation of this policy.
5. The recency and severity of prior acts resulting in suspension or expulsion.

6. Whether the optional provision of educational services in an alternative setting is a viable alternative to modifying the duration of the expulsion.
7. Input, if any, provided by licensed professionals (psychologists, psychiatrists, counselors) as to whether the expelled student would place himself/herself or others at risk by returning to the school prior to the expiration of the expulsion period.

Any modifications of the one calendar year expulsion period must be documented in writing.

Dangerous weapons will be confiscated and may be turned over to the student's parents or to law enforcement officials at the discretion of the administration. Firearms will be confiscated and turned over to law enforcement.

The District must refer any student who possesses a firearm on school property or a school function to the criminal justice or juvenile delinquency system.

### **Special Education Students**

A student who is defined as having a disability under the Individuals with Disabilities Education Act (IDEA) who has brought a weapon to school shall be handled in accordance with IDEA regulations. The District shall make manifestation determinations, disciplinary decisions, and placement decisions of such students in accordance with IDEA regulations.

### **Nonapplicable Provisions**

This policy does not apply to students enrolled and participating in a school-sponsored shooting sport, provided that the student informs the school principal of the student's participation and the student complies with all requirements set by the principal regarding the safe handling and storage of the firearm. The principal may allow authorized persons to display dangerous weapons, or look-a-likes for educational purposes. Such an approved display will be exempt from this policy.

A student who finds a firearm or dangerous weapon on the way to school, on or in school property or at a school function or discovers that they unknowingly have a firearm or dangerous weapon in their possession may not be considered to possess it if they immediately turn it over to an administrator, teacher or head coach or notify an administrator, teacher, or head coach of its location.

### **Reporting**

The District shall annually report compliance with all state expulsion requirements to the Department of Public Instruction. Each incident in which a student is found to have possessed a firearm on school property or at a school function must be reported as an infraction, even if the Superintendent elects to modify the required expulsion period or impose no penalty. Any incidents in which a student covered by the provisions of the IDEA possesses a firearm or dangerous weapon on school property or at a school function must also be included, even if it is determined that the incident is a manifestation of the student's disability and that the penalties should be modified or not imposed. Any modification of the one-year expulsion requirement must also be reported.

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Complementing NDSBA Templates (may contain items not adopted by the Board)

- FFK, Suspension and Expulsion
- FFK-BR, Suspension and Expulsion Regulations
- FFK-AR1, Suggested Procedure for Conducting an Expulsion Hearing