

Possessing Weapons

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 2½ inches in length.
- *Firearm* means, as defined in 18 U.S.C. 921, 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; the frame or receiver any such weapon; any firearm muffler or firearm silencer, or 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

Students are prohibited from **knowingly** 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.

1. Weapon Other than a Firearm

- a. Knowingly 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. Decisions regarding the duration of the suspension/expulsion shall be based on the following criteria:
 - i. Whether the student knowingly violated the policy.
 - ii. The totality of the circumstances, including the severity of the incident and the degree of endangerment of other students and staff.
 - iii. The age, grade level, and disciplinary record of the student. As part of this assessment, administration shall also consider the student's ability to anticipate how the safety of others could have been impacted by the presence of the weapon.

2. Firearms

- a. Bringing a firearm to school will require that the District immediately suspend the student and 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:
 - i. The totality of the circumstances, including the severity of the incident and the degree of endangerment of other students and staff.
 - ii. The age and grade level of the student.
 - iii. The prior disciplinary history of the student being expelled.
 - iv. Relevant factors which contributed to the student's decision to possess a firearm in violation of this policy.
 - v. The recency and severity of prior acts resulting in suspension or expulsion.
 - vi. Whether the optional provision of educational services in an alternative setting is a viable alternative to modifying the duration of the expulsion.
 - vii. 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.

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.

Notice to Parents

Parents will be notified and all weapons, dangerous objects, or look-a-likes 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.

Special Education Students

A student who is defined as having a disability under the Individuals with Disabilities Education Act (IDEA) who possesses a firearm or dangerous weapon on school property or at a school function 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.

Non-applicable 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 weapons, other dangerous objects, or look-a-likes for educational purposes. Such a 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.

Complementary Documents

- FFK, Suspension and Expulsion
- FFK-AR, Suspension and Expulsion Regulations
- FFK-E1, Suggested Procedure for Conducting an Expulsion Hearing
- FFK-E2, Suspension and Expulsion for Special Education Students

End of Bismarck Public School District Policy FFD

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