BP-5131.7(a)

WEAPONS IN SCHOOL

Students shall not bring, possess or use deadly weapons, firearms, dangerous instruments, or their replicas in school buildings, on school grounds or district-provided transportation, or at any school-related or school-sponsored activity away from school. Written permission may be obtained from the Superintendent or designee, for educational purposes, authorizing possession or use for a specific occasion. Students who violate this policy are subject to disciplinary action in accordance with district policy and procedures.

Students who are determined to have violated this policy with a firearm, as that term is defined in 18 U.S.C. § 921, shall be expelled from the district for a period of not less than one year. Students who are determined to have violated this policy with a deadly weapon other than a firearm shall be suspended for a period of not less than thirty days or expelled, depending on the severity of the offense. Deadly weapons include any item designed for and capable of causing serious physical injury or death. Students who are determined to have violated this policy with a replica or a weapon other than a deadly weapon or firearm shall be suspended for a period appropriate to the nature of the offense or expelled, depending on the severity of the offense.

Note: School districts receiving funding under the "Elementary and Secondary Education Act of 1965 (20 USC 2701, et. seq.) (ESEA), are required by the "Gun-Free Schools Act" (GFSA) to adopt a policy provision mandating a minimum of one-year expulsion of any student bringing a firearm to school or to any school activity. The legislation enacting the GFSA requires the act to be consistent with the Individuals with Disabilities Act (IDEA). The United States Department of Education has taken the position that these limits on the expulsion of certain special education students under Part B of IDEA and Section 504 of the Rehabilitation Act (Section 54) can be accommodated through application of the Superintendent's ability to modify expulsion recommendations on a case-by-case basis. Similarly, accommodations can be made for districts that have extra-curricular firearms programs, since the GFSA does not prohibit the presence at school of guns that are to be used solely for sporting, recreational or cultural purposes.

Note: In addition to the one-year expulsion required by federal law for a firearm violation, state law, AS 14.03.160, provides further requirements for weapons violations. Possession of a deadly weapon other than a firearm must result in a minimum 30-day suspension, with the option of one-year expulsion or permanent expulsion. However, any expulsion or suspension under the weapons policy may be modified by the Superintendent on a case-by-case basis. State law also defines requirements for a school district's weapons policy. These include referring to law enforcement those students who violate the policy and the identification of procedures and conditions for early reinstatement. Finally, state law requires each school district to prepare an annual report to the Alaska Department of Education identifying the number of students expelled for weapons violations and the type of weapons involved.

School employees may confiscate weapons or dangerous instruments on school grounds or at school-related or school-sponsored activities in order to maintain discipline and to protect the welfare and safety of students, staff and the public. If a school employee is unable to confiscate the weapon, the assistance of law enforcement will be called upon.

BP-5131.7(b)

WEAPONS IN SCHOOL

The Superintendent may, on a case-by-case basis, recommend a modification of these periods of suspension or expulsion. Such modification recommendation shall involve consideration of all relevant factors, including those in aggravation and mitigation of the violation, and for students with disabilities, whether violation of this policy is a manifestation of the student's disability.

Students may apply for early reinstatement following suspension or expulsion by submitting a written request to the Superintendent. Early reinstatement may be granted when consistent with the requirements of federal law, if the student demonstrates that he or she has taken effective steps to remediate any harm caused by his/her offense and can provide effective assurance that the behavior will not be repeated. The Board and/or the superintendent may modify the mandatory discipline requirements of this policy where the law would prohibit the imposition of the prescribed discipline, or for other good cause. Good cause will typically require the presence of mitigating circumstances, the student's demonstration that he or she understands and accepts responsibility for the consequences of his or her actions, and a reason to believe that the student will not repeat the offense.

All incidents involving the presence of weapons at school, in a school vehicle or at a school-sponsored activity in violation of federal and state law shall be reported to the appropriate law enforcement authorities immediately.

The provisions of this policy do not apply to the authorized use of weapons or tools for educational purposes or food preparation, or to the authorized possession of weapons other than firearms, as that term is defined in 18 U.S.C. § 921, where the Superintendent or the Superintendent's designee has granted prior permission for the possession for that occasion.

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