



Evergreen Community Charter School

Section: 200 Pupils

Title: Possession of Weapons

Number: 218

Last Revised: December 19, 2019

Evergreen Community CS recognizes the importance of a safe and secure building to provide students, teachers and staff members with an opportunity to go about daily activities in a positive atmosphere. The school will endeavor to provide a safe and secure environment on school property, on school buses, at any school activity, event or function, before, during or after school hours for all students, professional and non-certified employees and all legitimate visitors to the school, pursuant to law.

Weapon is defined as an instrument of any type which can be used to cause harm to an individual. For the purpose of this policy, a weapon shall include, but not be limited to any knife, cutting instrument, cutting tool, nunchaku, firearm, shotgun, rifle, and any other tool, instrument or implement capable of inflicting serious bodily injury, including but not limited to, sparklers, fireworks, smoke or stink bombs, explosives, live ammunition, chains, including wallet chains, bracelets, or other devices which are potential items of violence, certain rings, pipes or tubes, look-alike firearms and weapons (toy guns, knives) and any item which could, or would be, a threat to the students, himself/herself, or the school community.

Any instrument, tool, implement, or substance while being used by a student participating in an educational process or program approved by the school, as determined by a(n) administrator, teacher, and/or other Board-authorized adult supervisor, will not be defined as a weapon as long as that instrument, tool, or implement is being used for its educationally defined purpose.

Possessing – a student is in possession of a weapon when the weapon is found on the person of the student; in the student's locker; under the student's control while on school property, on property being used by the school, at any school function or activity, at any school event held away from the school, or while the student is coming to or from school.

Evergreen Community CS prohibits students from possessing and bringing weapons and replicas of weapons into school, onto school property, to any school sponsored activity, and onto any public vehicle providing transportation to a school sponsored activity.

Any student bringing a weapon onto school property or to a school sponsored activity or vehicle providing transportation to a school sponsored activity, shall be subject to a pre-expulsion hearing before the Directory, or designee. Such student will be suspended from school for a period of ten

(10) school days, and such suspension may be continued pending an expulsion hearing before the Board in the event that it is determined by the Director, or designee, that the student's presence in his/her normal class assignment would constitute a threat to the health, safety, morals, or welfare of others, and it is possible to hold a formal hearing within the ten (10) day initial suspension period.

In the event that it is determined by the Board that a student has brought a weapon, or has possessed a weapon, on school property, to any school sponsored activity or on any vehicle providing transportation to a school sponsored activity, such student shall be expelled for a period of not less than one (1) year. The Director may recommend a modification of this expulsion requirement on a case-by-case basis.

A student will be considered as being in possession of a weapon under this policy if the weapon is found on the person of the student or it is determined to be under his/her control.

Violations of this policy will be reported to the police or other law enforcement agency.

In the case of an exceptional student, the Director shall take all necessary steps to comply with the Individuals with Disabilities Education Act.

Any professional staff member or other school employee who has reason to believe that a student is in possession of and/or is transporting a weapon or look-alike weapon, shall immediately inform the Director, or designee, who will conduct a complete investigation. Upon investigation and/or confiscation of any weapon and/or look-alike, the Director, or designee, may immediately notify and/or summon:

1. The local police.
2. The parent(s)/guardian(s) of any and all students involved in the incident.

Upon determining that a reasonable suspicion of possession of a weapon exists, and in an effort to preserve a safe school environment, the Director, or designee, may request that the student(s) involved volunteer to be searched, or to have his/her locker, clothing, book bag(s), vehicle and/or other property searched by a school official in the presence of a witness. Should the student refuse or resist such a search: verbally and/or physically, the Director, or designee, may continue with the search to protect the well-being and safety of the school population under the doctrine of *loco parentis*. The parent(s)/guardian(s) is/are to be notified as soon as possible.

The Director will develop a public statement as well as determine the most effective method for informing school personnel, as necessary. The Director, subject to confidentiality and due process requirements, may inform the Board of an incident as soon as measures have been taken to eliminate any immediate danger associated with such incident.

The Director, or designee, will coordinate with informal hearing procedures which pertain to the investigation, securing information, such as witnesses statements and anecdotal records substantiating the alleged violation. The Principal, or designee, will assist in the informational and notification requirements for the pre-expulsion hearing before the Director and for the recommendation before the Board for expulsion in accordance with the Pennsylvania School Code.

If a student is expelled for a violation of this policy, the Director and/or Board may require, as a condition of readmission, that the student provide acceptable proof, whether in the form of a psychiatric/psychological report or otherwise, that s/he does not pose a risk of harm to himself/herself and/or to others.

A student who is suspended and/or expelled for violating this policy, upon return to school, shall be

subject to random searches.

The Director shall report all incidents relating to expulsion for possession of a weapon to the Department of Education. The Director shall be responsible to develop a memorandum of understanding with local law enforcement officials that sets forth procedures to be followed when an incident occurs involving an act of violence or possession of a weapon by any person on school property. Acts of violence or possession of a weapon shall be reported to the Office for Safe Schools through the Pennsylvania Information System (PIMS) at least once each year.

The Director shall inform all students of this policy and the consequences for violation of this policy as well as their personal responsibility to guard the health, safety and welfare of the school community, and to protect school property.

Weapons under the control of law enforcement personnel are permitted.