

# EVERGREEN COMMUNITY CHARTER SCHOOL

SECTION:  
TITLE:  
ADOPTED:

STUDENTS  
WEAPONS

October 20, 2006

REVISED:

April 5, 2008

	<b>218.1. WEAPONS</b>
1. Purpose	<p>The Board recognizes the importance of safe and secure schools to provide students, teachers and staff members with an opportunity to go about daily activity in a positive atmosphere. The Board will endeavor to provide a safe and secure environment within school buildings, on school property, on school buses, at any school activity, event or function before, during or after school hours for all district students, all professional and non-certificated district employees and all legitimate visitors to the school district, pursuant to law.</p>
2. Definitions SC 1317.2	<p><b>Weapon</b> is defined as an instrument of any type which can be used to cause harm to an individual. While not all-inclusive, a weapon shall include any firearm, handgun, rifles, shotgun, spring gun, air gun, sling shot, bludgeon or club, metal or artificial knuckles, cutting instrument, knife, pocketknife, sword, machete, cutting tool, nunchaku, pellet gun; nightstick, ax handle, any explosive device, ammunition, dangerous chemical, razor, any other tool, instrument or implement capable of inflicting serious bodily injury; or an instrument which, in the judgement of the administration, could be used as a weapon or mistaken for one. An imitation or replica of any of the foregoing may be considered a "weapon".</p> <p>Any instrument, tool, implement, or substance while being used by a student participating in an educational and/or vocational process or program approved by a 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 and/or vocationally defined purpose.</p> <p><b>Possessing</b> - 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.</p>

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<p>3. Authority SC 1317.2</p>	<p>The Board prohibits students from possessing and bringing weapons and replicas of weapons into any school district buildings, onto school property, to any school sponsored activity, and onto any public vehicle providing transportation to school or a school sponsored activity.</p> <p>Any student bringing a weapon onto, or possessing a weapon on, any school property, any school-sponsored activity or any public conveyance providing transportation to a school or school-sponsored activity, shall be subject to a pre-expulsion hearing before the Superintendent 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 or a committee of the Board in the event that it is determined by the Superintendent or his/her 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.</p>
<p>SC 1317.2 Pol. 233</p>	<p>In the event that it is determined by the Board or a committee of the Board that a student has brought a weapon onto, or has possessed a weapon on, any school property, at any school-sponsored activity or any public conveyance providing transportation to a school or a school-sponsored activity, such student shall be expelled for a period of not less than one (1) year; provided that the Superintendent may recommend a modification of this expulsion requirement on a case-by-case basis.</p> <p>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 if it is determined to be under his/her control.</p> <p>Violations of this policy will be reported to the police or other law enforcement agency.</p>
<p>4. Delegation of Responsibility P.L. 91-230 20 U.S.C. Sec. 1400 et seq</p> <p>SC 1317.2</p>	<p>In the case of an exceptional student, the Superintendent shall take all necessary steps to comply with the Individuals With Disabilities Education Act.</p> <p>Any professional staff member or other school employee who has reason to believe that a student is in possession of and/or is transporting and/or transmitting a weapon or look-alike weapon, shall immediately inform the school principal or designee who</p>

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will conduct the complete investigation. Upon investigation and/or confiscation of any weapon and/or look-alike, the school principal 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 accident.
3. The Superintendent.

Upon determining that a reasonable suspicion of possession of a weapon exists, and in an effort to preserve a safe school environment, the school principal or designee may request that the student(s) involved volunteer to be searched, or to have his/her locker, clothing, bookbag(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 school principal or designee may continue with the search to protect the well-being and safety of the school population under the doctrine of in loco parentis.

The parent(s)/guardian(s) is/are to be notified as soon as possible.

The school principal will cooperate with the Superintendent and develop a public statement as well as determine the most effective method for informing school personnel, as necessary. The Superintendent, 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 school principal will coordinate with the informal hearing procedures which pertain to the investigation, securing information, such as witness' statements and anecdotal records substantiating the alleged violation.

The school principal will assist in the informational and notification requirements for the pre-expulsion hearing before the Superintendent 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 Superintendent 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 others.

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	<p>A student who is suspended and/or expelled for violating this policy, upon return to school, shall be subject to random searches.</p>
SC 1317.2	<p>The Superintendent shall report all incidents relating to expulsion for possession of a weapon to the Department of Education.</p>
SC 1303-A	<p>The Superintendent 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.</p>
SC 1303-A	<p>Acts of violence or possession of a weapon in violation of this policy shall be reported to the Office for Safe Schools on the required form at least once each year.</p>
5. Guidelines	<p>The school principal 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.</p> <p>Information within this policy is to be given to students within the first three (3) days of the beginning day of each school year. New students shall be informed of this policy upon application for admission. Reminders of this policy are to be provided to students periodically throughout the school year.</p>
SC 1317.2	<p>An exception to this policy may be made by the Superintendent, who shall prescribe special conditions or procedures to be followed.</p> <p>Weapons under the control of law enforcement personnel are permitted.</p>
18 U.S.C. Sec. 921, 922	<p>In accordance with the federal Gun-Free School Zone Act, possession or discharge of a firearm in, on, or within 1,000 feet of school grounds is prohibited. Violations shall be reported to the appropriate law enforcement agency.</p> <p><u>Transfer Students</u></p>
SC 1317.2	<p>When the school district receives a student who transfers from a public or private school during an expulsion period for an offense involving a weapon, the school district may assign that student to an alternative assignment or may provide alternative education, provided the assignment does not exceed the expulsion period.</p>