

Board Policy Document

STUDENT PERSONNEL

Series 500

Policy Title: Weapons Free Schools

Code Number: 502.9

The possession of weapons, dangerous weapons, and look-a-likes on District property, in District facilities, or at school-sponsored activities is prohibited. Weapons under the control of law enforcement officials shall be exempt from this policy. The principal may allow authorized persons to display weapons or other dangerous objects or look-a-likes for educational purposes. Such a display shall also be exempt from this policy.

The Board believes that the presence of weapons, dangerous weapons, and look-a-likes on District property and in District facilities causes material and substantial disruption to the school environment or presents a threat to the health and safety of students, employees, and visitors on the District premises or property within the jurisdiction of the District or at any school-sponsored activities.

1. Any student who brings a weapon, as defined by the Gun-Free Schools Act of 1994, to school or to a school-sponsored activity shall be suspended immediately and recommended for expulsion from school for one year. The principal shall promptly notify parents of any action taken and shall promptly refer the matter to the appropriate law enforcement or juvenile authorities. The parents and/or the student have the right to

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Revision Adoption: April 10, 2001/November 23, 2004

Legal Reference: Gun-Free Schools Act of 1994; 20 U.S.C. § 8921

18 U.S.C. 921 (a)(3)

34 CFR ¶ 300.520

18 U.S.C. ¶ 930 (2)(g)

Magyar By and Through Magyar v. Tucson Unified School District, 958 F. Supp. 1423 (D.Ariz. 1997)

Iowa Code Chapter 702.7, 724.4, 724.4B, 280.21B

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request that the Superintendent consider modification of this penalty on a case-by-case basis.

"Weapon" under the Gun-Free Schools Act, and as used in this Policy in the above paragraph, is limited to the definition of a "firearm " as defined in Section 921 of Title 18 of the United States Code, and means 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 of any such weapon, and any firearm muffler or firearm silencer, any explosive, incendiary, or poison gas, any bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, a mine, or a similar device. The term "firearm " includes but is not limited to, shotguns, short-barreled shotguns, rifles, and short-barreled rifles.

2. Any student who brings a dangerous weapon as defined by Iowa Code Section 702.7 or any look-a-like, that is not also a "firearm" as defined above, to school or to a school-sponsored activity may be suspended immediately and may be recommended for expulsion from school for up to one year .The parents of any such student shall be promptly notified of any action taken and appropriate law enforcement or juvenile authorities shall be contacted.

The Superintendent or the Superintendent's designee or designees may modify any such expulsion requirements on a case-by-case basis. If the dangerous weapon is a "firearm," as defined in paragraph one, the penalties and procedures of paragraph number one above shall apply.

A "dangerous weapon," pursuant to Iowa Code Chapter 702.7, is any instrument or device designed primarily for use in inflicting death or injury upon a human being or animal, and which is capable of inflicting death upon a human being when used in the manner for which it was designed. Additionally, any instrument or device of any sort whatsoever which is

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actually used in such a manner as to indicate that the defendant intends to inflict death or serious injury upon the other, and which, when so used, is capable of inflicting death upon a human being, is a dangerous weapon. Dangerous weapons include, but are not limited to, any offensive weapon, stun gun, pistol, revolver, or other firearm, dagger, razor, stiletto, switchblade knife, or knife having a blade exceeding five inches in length.

Students Receiving Special Education Services

Any student receiving special education services who brings a dangerous weapon or a look-a-like to school or to a school-sponsored activity shall be treated in accordance with the Individuals With Disabilities Act and the Gun-Free Schools Act of 1994.

A "dangerous weapon" for purposes of students receiving special education services in accordance with the Individuals With Disabilities Education Act, is defined as 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 two and one-half inches in length.

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