

WEAPONS IN SCHOOLS - ADMINISTRATIVE PROCEDURE

NEPN/NSBA Code: **JICI-R**

The Fayette School Department, hereinafter referred to as the "Unit", is committed to the enforcement of a "Weapons in Schools" policy that meets all applicable requirements of the federal Gun-Free Schools Act of 1994, in addition to pertinent state laws and regulations. The purpose of the following Administrative Procedure is to effectuate the mandates imposed by federal law in addition to this Unit's policy on Weapons in Schools.

I. APPLICABILITY

All students, staff and other persons are subject to the prohibitions contained in this Unit's Weapons in Schools policy. Prohibitions shall apply at all times on school premises, in any school vehicle, at any school-sponsored activity, or at any time or place if the conduct has an adverse effect on the discipline and welfare of the school.

II. PROHIBITIONS

The following shall constitute conduct prohibited by this Procedure:

- A. Possession and/or use of articles commonly used or designed to inflict bodily harm and/or to intimidate, coerce or harass persons. Examples of such articles include, but are not limited to, the following: firearms, ammunition, explosives, cross-bows, brass knuckles, switchblades, knives, chains, clubs, Kung Fu stars and nunchucks.
- B. Use of any object as a weapon, although not necessarily designed to be a weapon, to inflict or threaten bodily harm and/or to intimidate, coerce or harass. Examples of such articles include, but are not limited to, the following: bats, belts, picks, pencils, scissors, compasses, objects capable of ignition (e.g., match, lighter), files, tools of any sort and replicas of weapons (including some toys).

III. ADMINISTRATIVE IMPLEMENTATION PROCEDURES

A. Administrator/Principals

Administrators shall take appropriate action for any violation of this policy/procedure including, but not limited to, student discipline and action by law enforcement officials as appropriate. Administrators will confiscate any article described in this policy/procedure using appropriate measures and, if appropriate, submit the article to a suitable law enforcement agency.

Principals may authorize inspections of student automobiles, clothing, purses, bags, backpacks and other personal belongings when there are reasonable grounds to suspect that the inspection will produce evidence that this policy/procedure has been violated.

B. School Staff

School personnel shall take appropriate action in the event of an altercation involving violence and/or the use of a weapon. Incidents shall be reported immediately to the appropriate administrator.

IV. ENFORCEMENT

A. Title 20-A MRSA § 1001(9) (1995)

Any student who violates this policy shall be expelled under Title 20-A MRSA § 1001(9) (1995) if "found necessary for the peace and usefulness of the school". The School Committee shall expel any student:

1. Who is deliberately disobedient or deliberately disorderly;
2. For infractions of violence;
3. Who possesses on school property a firearm, as defined in Title 17-A MRSA § 2, subsection 12-A, without permission of a school official; and
4. Who, with the use of any other dangerous weapon, as defined in Title 17-A MRSA § 2, subsection 9, paragraph A, intentionally or knowingly causes injury or accompanies use of a weapon with a threat to cause injury.

B. Title 20-A MRSA § 1001 9-A (B)

Nothing in this Unit's Weapons in Schools policy or in this Administrative Procedure shall prevent a school board from:

1. Offering instructional activities related to firearms or from allowing a firearm to be brought to school for instructional activities sanctioned by the Unit; or
2. Providing educational services in an alternative setting to a student who has been expelled.

The superintendent or his/her designee shall be responsible for granting permission to conduct such instructional activities consistent with Title 120-A MRSA § 1001 9-A (B).

C. The Gun-Free Schools Act of 1994

Any student who is determined to have brought a firearm to school, as defined by 18 USCA § 921, shall be expelled from the regular school program for at

least one year. This shall be modified on a case-by-case basis by the superintendent,
as
necessary, as authorized by 20-A MRSA § 1001 (9-A) and the federal Gun-Free
Schools Act of 1994. Such modifications may include placement in alternative
educational programs. In addition, any student bringing a firearm to school shall be
referred to local law enforcement and/or the juvenile justice system as appropriate.

Legal References: Gun-Free Schools Act of 1994 (20 USCA § 8921)
Title 20-A MRSA §§ 1001.9; 1001(9-A0; 6552
Title 17-A MRSA §§ 2.9; 2.12. A

Cross Reference: JICI - Weapons in Schools

Adopted: 9-11-96