

WEAPONS

The Board, as both an employer and a public school district, is concerned with and interested in protecting the health, safety and welfare of students, employees and visitors. The Board recognizes that school buildings, facilities, vehicles, grounds and other school property are best utilized in the educational process in the absence of threats to physical well being and safety, by individuals possessing weapons and/or dangerous weapons.

In furtherance of its commitment to provide a safe learning and work environment for its students and employees, the Board establishes this policy to govern procedures and consequences for students who are implicated for violating school conduct standards regarding "dangerous weapons" as well as other objects which may be used to cause or threaten harm to others. This policy shall also encompass such actions as look-alike items, false fire alarms, bomb threats, or intentional calls to falsely report a dangerous condition.

Any student who is aware of any weapon, i.e., knife, gun, etc., in school, on the bus, or at any school related activity, has an obligation to report it to a staff member to avoid violating this code. Failure to do so will result in disciplinary action. If a student accidentally brings a weapon to school, he/she should alert a staff member and turn the weapon in immediately.

The Michigan School Code requires the Board to expel a student for possession of a dangerous weapon on school property or in a school vehicle. However, as a matter of law, the Board is not required to expel a student for possessing a dangerous weapon if the student establishes in a clear and convincing manner at least one (1) of the following:

- A. that the object or instrument possessed by the student was not possessed by the student for use as a weapon, or for direct or indirect delivery to another person for use as a weapon;
- B. the weapon was not knowingly possessed by the student;
- C. the student did not know or have reason to know that the object or the instrument possessed by the student constituted a weapon or dangerous weapon; or
- D. that the weapon was possessed by the student at the suggestion, request, or direction of, or with the express permission of, school or police authorities.

Recordation and Referral

All expulsions pursuant to the School Code's mandatory expulsion requirement shall be entered and preserved on the student's individual permanent record. This information shall be disseminated by the District, as part of a student's permanent record, to any other public or private (primary or secondary) school where the expelled student seeks to enroll and where this District is requested, or otherwise required, to forward or release records to that institution.

Pre-Hearing Procedures

As part of the investigation of an alleged weapons violation, the appropriate administrator(s) shall take the following steps:

- A. Immediately report to the local law enforcement agency and the student's parent/legal guardian, (if the student is unemancipated), any incident involving a suspected dangerous weapon. The District shall also refer for prosecution conduct by any individual that is believed to violate State and Federal laws establishing weapon-free or gun-free school zones.
- B. Determine whether the item is a "dangerous weapon" mandating expulsion or another object which may be used to cause or threaten harm to others which may invoke discretionary discipline. As appropriate, the administrator shall rely on the opinion(s) of the local law enforcement agency and/or the District's legal counsel.
- C. Determine whether there is reasonable cause to believe that the student is a student with a disability eligible for accommodation(s) under Section 504 of the Rehabilitation Act and/or special education program(s). Disciplinary procedures and recommended consequences for an eligible student with a disability shall be consistent with current legal requirements.
- D. Notify the student's parent/guardian (or the student if s/he is at least eighteen (18) years old or otherwise legally emancipated) in writing of the disciplinary procedures and recommended consequences, as well as their right to request that the Board meet in closed session to conduct the disciplinary hearing.

- E. The District shall, within three (3) days of expulsion, refer the expelled student to the appropriate County Department of Social Services or County Community Mental Health agency. The District shall also notify the individual's parent or legal guardian or (if the individual is at least eighteen (18) years old or otherwise legally emancipated) notify the expelled student of the referral.

All disciplinary proceedings under this policy shall follow the District's student discipline procedures set forth in the Student Handbook and other appropriate documents.

Petitions for Reinstatement

Students expelled pursuant to the School Code's mandatory expulsion requirement (or their parent or legal guardian if the student is unemancipated) may petition the Board of this School District for reinstatement to school. An expelled student's petition for reinstatement shall be processed as required by the School Code. An individual who was in grade 5 or below when expelled may petition for reinstatement at any time after the expiration of sixty (60) school days subsequent to the date of expulsion. Individuals who were in grade 6 or above at the time of expulsion may petition for reinstatement at any time after the expiration of 150 school days subsequent to the date of expulsion. The District will make available the proper forms to those who wish to petition for reinstatement. The petitioner shall provide an authorization and release for the Board to request, receive and review all student records and student record information maintained by any public or private school which the petitioning student has attended. If such records are already in the possession for this District, the parent/guardian or student (if emancipated) shall furnish written authorization for review of the Board members.

Upon receipt of a petition for reinstatement, the District shall do the following:

- A. Convene a due process hearing within two (2) weeks of the student's petition for reinstatement. The student will have the right to have his/her parent/guardian and advisor, who may or may not be an attorney, present at the hearing. The student has the right to an open or closed hearing.
- B. The Board will make a decision by vote in open session.

- C. Reinstatement for all expelled students may only be authorized by the Board.
- D. The Superintendent or his/her designee shall be allowed to attend meetings of the Board when considering petitions for reinstatement.

Criteria for Reinstatement

The Board shall consider at least the following factors when a petition for reinstatement is submitted.

- A. whether the reinstatement would create a risk of harm to other students or school personnel;
- B. whether reinstatement would create a risk of School District or individual liability for the School Board or School District personnel;
- C. the age and maturity of the individual;
- D. the individual's school record before the incident that caused the expulsion;
- E. the individual's attitude concerning the incident that caused the expulsion;
- F. the individual's behavior since expulsion and the prospects for remediation of the individual;
- G. the degree of cooperation and support from the individual's parent or guardian (if the petition was filed by a parent or guardian) as well as any support which may be expected from a parent or guardian, if the expelled student is reinstated.

Petitions for reinstatement from students expelled by another Board shall not be processed if that student has not first submitted a petition for reinstatement to the expelling Board. This District will only consider reinstatement, to the extent required by law, upon receiving verification of the denial of the student's petition for reinstatement by the expelling Board.

Conditions of Reinstatement

The Board may require an expelled student (if the petition was filed by a parent or legal guardian) to agree in writing to specific conditions before reinstating the student. These conditions may include, but are not limited to:

- A. signing a behavior contract:
- B. participation in or completion of an Anger Management Program or other appropriate counseling (at the expelled student's expense);
- C. periodic progress reviews; and
- D. specific immediate consequences for failure to abide by any conditions of reinstatement.

Reinstatement

If the School District decides to reinstate the expelled student, those who were in grade 5 and below at the time of the expulsion shall not be reinstated before the expiration of ninety (90) school days subsequent to the date of expulsion, unless a longer period of expulsion is required pursuant to the Federal Gun Free Schools Act. For students in grade 5 and below who have violated the Federal Gun Free Schools Act and who are accordingly subject to mandatory one-year expulsion, the Superintendent or his/her designee may submit his/her own recommendation to the Board, in conjunction with the designated committee's recommendation, to modify the one-year expulsion requirement (on a case-by-case basis) to a period of time not less than ninety (90) school days. Individuals in grade 6 or above at the time of expulsion shall not be reinstated before the expiration of 180 school days (one (1) legal school year) after the date of expulsion.

Discretionary Discipline (Including Expulsion) - for Use of Objects Which May Be Used to Cause or Threaten Harm to Others

Authorized administrators and the Board may exercise their discretion to impose disciplinary sanctions (including expulsion) on a student who is implicated in violating school conduct standards regarding an object which may be used to cause or threaten harm to others, but does not meet the definition of a "dangerous weapon" or does not fall within the circumstances by which the School Code mandates disciplinary sanctions.

School officials expressly reserve the right to apply these conduct standards to any student who is on school property or school-affiliated transportation, who is in attendance at any school or at any school-sponsored activity, or whose conduct at any time or place directly interferes with the operations, discipline or general welfare of the school, regardless of location, date or time.

School administrators are authorized to impose a suspension in excess of ten (10) school days but not more than thirty (30) school days to a student who violated school conduct standards regarding an object, which the student used to cause or threaten harm to others. The school principal, upon consultation with the Superintendent or his/her designee and with notice to the Board, may authorize or order the suspension of the student if the interest of the school is served.

The Board reserves for itself the authorization to impose disciplinary sanctions beyond thirty (30) days suspension or expulsion, and shall consider such matters upon the recommendation of a school administrator.

Application to Handicapped Students

This policy shall be applied in a manner consistent with the rights secured under Federal and State law to students with disabilities who are determined to be eligible for accommodation(s) under Section 504 of the Rehabilitation Act, special education programs and/or services, as well as to students with disabilities who are determined to be eligible for accommodation(s).

Definitions

Dangerous Weapon - The School Code defines a dangerous weapon as a firearm, dagger, dirk, stiletto, knife with a blade over three (3) inches in length, pocket knife opened by a mechanical device (regardless of blade length), iron bar or brass knuckles.

- A. For purposes of determining whether an object is a "firearm," the Federal law definition of a firearm as provided in the Federal Gun-Free Schools Act of 1994 shall be used.
- B. For purposes of determining whether a knife is a dangerous weapon, the blade length shall be measured from the blade's tip to the place where the blade inserts into the handle.

Objects other than weapons as defined above (which the student used to cause or threaten harm to others), including but not limited to:

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- A. BB gun, pellet gun, paintball gun, any pneumatic gun or other such weapon which does not meet the Federal law definition of a firearm as provided in the Federal Gun-Free Schools Act of 1994;
- B. look-alike gun or a facsimile of a gun (including "toy" guns);
- C. "McGyver" bomb, stink bomb, smoke bomb, fireworks, ammunition, mace, pepper spray, self-defense gas or other such object which does not meet the Federal law definition of a "destructive device" in the Federal Gun-Free Schools Act of 1994;
- D. knife with a blade three (3) inches or less in length;
- E. razor blade, box cutter;
- F. Numchucks chains.

Weapon Free School Zone means school property and/or a vehicle used by the school to transport students to or from school property.

School property means a building, playing field or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school.

Firearm means (a) weapon (including a starter gun) which will or is designed to (or may readily be converted to) expel a projectile by an explosive, or by gas or air; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device, including explosives, incendiaries, poison gas, or any weapon which will (or may readily be converted to) expel a projectile by the action of an explosive or other propellant. For purposes of application and enforcement of this policy, a BB gun is considered to be a "firearm".

This policy will be published annually in all student handbooks. Publication is not a precondition to enforcement of this policy.

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