

EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: WEAPONS

ADOPTED: August 19, 2002

REVISED: August 19, 2013

218.1. WEAPONS	
<p>1. Purpose</p>	<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>
<p>2. Definitions SC 1317.2</p>	<p>Weapon 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>Possession - a student is in possession of a weapon when the weapon is found on the person of the student; in the student's locker <u>or assigned storage area; or</u> 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 <u>while the student is coming in any conveyance providing transportation to and</u> from school.</p>

<p>3. Authority SC 1317.2 Policy 218</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 or while the student is coming to or from school.</p> <p>Any student who brings a weapon onto, or is in possession of a weapon on, any school property, any school-sponsored activity or any public conveyance providing transportation to <u>or from</u> a school or school-sponsored activity <u>or while the student is coming to or from school</u>, shall be subject to an administrative review 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 <u>or while the student is coming to or from school</u>, 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>SC 1317.2 Title 22 Sec. 10.23 20 U.S.C. Sec. 1400 et seq Pol. 103.1, 113.1, 113.2, 805.1</p>	<p>Violations of this policy will be reported to the School Police and/or other local law enforcement agency.</p> <p>In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies.</p>
<p>4. Delegation of Responsibility SC 1302.1-A</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>

Pol. 805, 805.1	<p>will conduct the complete investigation. Such action shall be in compliance with state law and regulations and with the procedures set forth in the memorandum of understanding with local law enforcement officials and the district’s emergency preparedness plan.</p> <p><u>The Safety and Security Coordinator or designee shall react promptly to information and knowledge concerning possession of a weapon. Such action shall be in compliance with state law and regulations and with the procedures set forth in the memorandum of understanding with local law enforcement officials and the district’s emergency preparedness plan.</u></p> <p><u>When the behavior of a student in possession of a weapon indicates a threat to the safety of the student, other students, school employees, school facilities, the community or others, district staff shall report the student immediately to the administration/school police, and then, to the threat assessment team, in accordance with applicable law and Board policy.</u></p>
<p>5. Guidelines SC 1302.1-A, 1303-A, 1317.2 Title 22 Sec. 10.2, 10.21 Pol. 805.1</p>	<p>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 search a student(s) 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. Such a search could include the student's locker, clothing, bookbag(s), vehicle, or other property. 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.</p> <p>Upon investigation and/or confiscation of any weapon and/or look-alike, the school principal or designee, the following guidelines shall be applied:</p> <ol style="list-style-type: none"> 1. The school principal shall promptly report the incident to the Superintendent. 2. The school principal shall immediately report incidents involving weapons on school property, at any school-sponsored activity or on a conveyance providing transportation to or from a school or school-sponsored activity to the local school police department that has jurisdiction over the school’s property, in accordance with state law and regulations, the procedures set forth in the memorandum of understanding with local law enforcement and Board policies. 3. The school principal shall immediately suspend the student. 4. The school principal shall notify the parent/guardian of any student directly involved in an incident involving a weapon as a victim or suspect immediately, as soon as practicable. The school principal shall inform the parent/guardian whether or not the local school police department that has jurisdiction over the
<p>Title 22 Sec. 10.2, 10.25 Pol. 805.1</p>	

	<p>school property has been or may be notified of the incident. The school principal shall document attempts made to reach the parent/guardian.</p> <ol style="list-style-type: none"> 5. 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. 6. 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. 7. The school principal will assist in the informational and notification requirements for the administrative review before the Superintendent and for the recommendation before the Board for expulsion in accordance with the Pennsylvania School Code. 8. 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. 9. A student who is suspended and/or expelled for violating this policy, upon return to school, shall be subject to random searches.
<p>SC1303-A Pol. 805.1</p>	<p>In accordance with state law, the Superintendent shall annually, by July 31, report all incidents involving possession of a weapon to the Office of Safe Schools.</p> <p>The school principal shall annually inform all students <u>and parents/guardians</u> of this policy and the consequences for violation of this policy <u>prohibiting weapons</u> 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>
<p>SC 1317.2</p>	<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 <u>personnel acting in their official</u></p>

<p>18 U.S.C. Sec. 921, 922</p>	<p><u>capacity</u> are permitted.</p> <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>SC 1317.2</p>	<p><u>Transfer Students</u></p> <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> <p><u>References:</u></p> <p>School Code – P.S. Sec. <u>403.1</u>, 1301-A, 1302.1-A, <u>1302-E</u>, 1303-A, 1317.2</p> <p>State Board of Education Regulations – 22 PA Code Sec. 10.2, 10.21, 10.23, 10.25, 403.1</p> <p>Possession of Weapon on School Property – 18 Pa. C.S.A. Sec. 912</p> <p>Gun Control Act – 18 U.S.C. Sec. 921, 922</p> <p>Individuals With Disabilities Education Act – 20 U.S.C. Sec 1400 et seq.</p> <p>No Child Left Behind Act – 20 U.S.C. Sec. 7114</p> <p>Gun-Free Schools Act – 20 U.S.C. Sec. 7151, <u>7961</u></p> <p>Individuals With Disabilities Education Act, Title 34, Code of Federal Regulations – 34 CFR Part 300</p> <p>Board Policy – 103.1, 113.1, 113.2, <u>113.3</u>, <u>200</u>, 218, 233, <u>236.1</u>, 805, 805.1</p> <p><u>NOTES:</u></p> <p>Gun Free School Zone Act was found unconstitutional—change language to read “In accordance with federal law, ...” and keep cites to 18 U.S.C. Sec. 921, 922.</p> <p><u>PSBA Revision 4/13</u></p>