

DANGEROUS WEAPONS IN THE SCHOOL
STAFF AND STUDENTS

Federal Gun-Free Schools Act (GFSA) requires that each state receiving federal funds have in effect a state law requiring local education agencies to expel from school for not less than one (1) year a student who is determined to have brought a firearm to school, and have in effect a state law allowing the local education agency's chief administrative officer to modify the expulsion requirement on a case-by-case basis. (SDCL 13-32-4, 13-32-4.2, 13-32-7, 21-1-2).

Board policy forbids the bringing of dangerous and/or illegal weapons on school property or to school-related activities. Weapons shall be taken from pupils and shall be reported to the pupil's parents. Confiscation of weapons will also be reported to the police. Appropriate disciplinary and legal action shall be pursued by the building principal.

An "illegal weapon" is any firearm, or air gun (including pellet guns and BB guns), whether or not the firearm or air gun is designed, adapted, used, or intended primarily for imitative or noisemaking purposes (include facsimiles and homemade guns), or any dangerous weapon. A "dangerous weapon" or "deadly weapon" is defined as any firearm, stun gun, knife (including pocket knives) or device, instrument, material, or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm or by the manner by which it is used is likely to inflict death or serious bodily harm.

Any person who carries, has possession of, stores, keeps, leaves, places or puts into the possession of another person, any dangerous or illegal weapon, on or in school premises, vehicle or building used or leased for school functions, whether or not any person is endangered by such actions, shall be in violation of this policy. This would exempt law enforcement officers, employees or students who utilize an instrument, i.e. knife, scissors, staple, etc., for educational use or for maintenance purposes. This section does not apply to authorized weapons in use at school related events, starting guns used at athletic events, or ceremonial presence of unloaded weapons at color guard ceremonies.

Violation of this policy for intentionally bringing a firearm to school will, except as modified herein, result in the mandatory disciplinary sanction of expulsion from school for a period of not less than twelve months of any student who is determined to have violated this policy. The expulsion requirement may be modified by the superintendent on a case-by-case basis. For the purpose of this section of this policy, the term "firearm" includes any weapon (including a starter gun, except when authorized above) 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, any firearm muffler or firearm silencer, or any destructive device (explosive, incendiary or poison gas bomb, grenade, rocket, missile, mine or similar device).

Spearfish School District 40-2
4000 Personnel

Board Policy
Page 2 of 2

Code: 4250/5115

This policy will be implemented in a manner consistent with the Individuals with Disabilities Education Act and Sec. 504. Expulsion means removal from the regular school district at the location where the violation occurred. All expulsion recommendations will be taken to the school board for action.

Disciplinary Sanctions and Implementation Procedures

A. Students

1. The building administration will notify the parent/s or guardian/s of the violation and the administrative disciplinary action taken.
2. The building administration will notify the law enforcement agency.
3. The administration will follow Board Policy 5210 Suspension and Expulsion to notify the parent/s or guardian/s of the violation, the student's due process rights, the twelve month expulsion requirement for a firearm-related violation and case-by-case exception procedure set forth in the policy.

B. Staff

1. Staff who violate this policy shall be subject to personal discipline procedures, up to and including dismissal.

Approved	May 8, 1995
Revised	December 14, 1998
Revised	April 26, 1999
Revised	December 11, 2000
Revised	December 11, 2006
Revised	April 14, 2008
Reviewed	January 9, 2012
Revised	June 9, 2014