

WEAPONS, VIOLENCE AND SCHOOL SAFETY

NEPN/NSBA CODE: JICIA

The Regional School Unit 78 School Board believes that students and staff are entitled to learn and work in a school environment free of violence, threats bullying and other disruptive behavior. Students are expected to conduct themselves with respect for others and in accordance with Board policies, school rules, reasonable unwritten behavior expectations, and applicable state and federal laws.

School staff is required to immediately report incidents of prohibited conduct by students. School staff must report incidences to the Principal or his/her designee for investigation and appropriate action. Students who are subject to or observe prohibited conduct will report such incidents to a staff member or administrator.

Please note: Nothing in this policy shall prevent the Board from approving and offering instructional programs that involve firearms or other weapons (such as bows and arrows) or from allowing firearms or other weapons to be brought to school for specific instructional programs (such as archery or hunter safety). No weapons may be used in instructional programs or brought to school without the prior approval of the Superintendent or his/her designee and implementation of safeguards appropriate to the particular activity.

PROHIBITED CONDUCT

- I. Students are prohibited from engaging in the following conduct on school property, while in attendance at school or at any school-sponsored activity, or at any time or place that such conduct directly interferes with the operations, discipline or general welfare of the school:
 - A. Possession and/or use of articles commonly used or designed to inflict bodily harm and/or to threaten, intimidate, coerce or harass another person except when used in an approved instructional activity. Examples of such articles include but are not limited to firearms, BB guns, pellet guns, any other kind of gun, ammunition, explosives, hazardous substances, cross-bows, brass knuckles, switchblades, knives, chains, clubs, Kung Fu stars and nun chucks;
 - B. Use of any object, although not necessarily designed to be a weapon, to inflict bodily harm and/or to threaten, intimidate, coerce or harass another person. Examples of such articles include but are not limited to bats, belts, picks, pencils, compasses, objects capable of ignition (e.g., matches, lighters), files, tools of any sort and replicas of weapons (including toys);
 - C. Violent, threatening or menacing behavior, including but not limited to fighting, assault and/or battery, taking hostages, threats to commit violence against persons or property (e.g., verbal or written death threats, threats of bodily harm, bomb and hazardous substance threats), stalking, or blocking access to school property or facilities;
 - D. Verbal or written statements (including those made on or through a computer) which threaten, intimidate, or harass others, which tend to incite violence and/or disrupt the school program, blackmail, extortion or demands for money or property;
 - E. Willful and malicious damage to school or personal property;
 - F. Stealing or attempting to steal school or personal property;

- G. Bullying behavior, including unwanted physical contact, acts or communications of any kind that:
 - 1. damage a student's property; place a student in reasonable fear of physical harm and/or damage to his/her property; and/or disrupt the instructional program or the orderly operation of the school; and/or
 - 2. is so severe that it creates a hostile educational environment for the student who is bullied.
 - H. Lewd, indecent or obscene acts;
 - I. Violations of state or federal laws;
 - J. Causing or being party to a false fire alarm;
 - K. Violations of the school's drug/alcohol/tobacco policies; and
 - L. Any other conduct that may be harmful to persons or property.
- II.** Exceptions to prohibitions on Possession and Discharge of Firearms on School Property.

The prohibition on the possession and discharge of firearms on school property does not apply to law enforcement officers.

Disciplinary Action

Principals may discipline, suspend and/or recommend to the Superintendent expulsion of students who violate this policy based upon the facts of each case and in accordance with applicable state and federal laws. Conduct which violates this policy is deliberately disobedient and deliberately disorderly within the meaning of 20-A MRSA § 1001 (9) and will be grounds for expulsion if found necessary for the peace and usefulness of the school. Such conduct may also be grounds for expulsion under other provisions of 20-A MRSA § 1001 (9 and 9-A) that specifically prohibit the use and possession of weapons, infractions of violence, and possession, furnishing and trafficking of scheduled drugs.

Students who are found to have brought a firearm (as defined by federal law), bomb or hazardous substance to school shall be expelled for a period of not less than one year, unless this requirement is modified by the Superintendent on a case-by-case basis in writing.

All violations of this policy shall be referred to law enforcement authorities.

Students with disabilities shall be disciplined in accordance with applicable federal and state laws/regulations and Board Policy JKF.

Students having knowledge of any violation of this policy and not reporting same to school officials may be subject to a ten-day suspension with recommendation to the Superintendent for expulsion.

Psychological Evaluation/Risk Assessment

The Board authorizes the Superintendent to request an immediate psychological evaluation of a student who violates this policy when, in his/her opinion, such an evaluation will assist in assessing the risk the student poses to school safety if the student were to be allowed to return to school. Students expelled or placed on long term suspension by Board action must submit proof of such an evaluation as part of their request for re-instatement. ALL such evaluation shall be performed at the school unit's expense.

The Superintendent is also authorized to request psychological evaluations of students who have been identified as posing a substantial risk of violent behavior. All such evaluations shall be performed at the school unit's expense.

If the parents/guardians and/or student refuse to permit a requested psychological evaluation, the Superintendent and Board may draw any reasonable inferences from the student's behavior concerning the risk the student poses to school safety for purposes of determining appropriate action.

Legal References: 20 USCA § 8921 (Gun-Free Schools Act of 1994) 5 MRSA § 4681 et. Seq.
 15 MRSA §3301-A; 3308(7)(E); 3009
 17-A MRSA § 2(9); 2(12-A)
 20-A MRSA §§ 1001(9); 1001(9-A); 6552
 20 USCA §7151 (Gun-Free School Zone Act of 1990)
 20 USC §7961 (Gun-Free Schools Act)

Cross Reference:

ACAA – Harassment and Sexual Harassment of Students
ADC – Tobacco Use and Possession
EBCA – Crisis Response Plan
JICH – Drug and Alcohol Use by Students
JK – Student Discipline
JKD – Suspension of Students
JKE – Expulsion of Students
JKF – Suspension/Expulsion of Students with Disabilities
JIH – Questioning and Searches of Students
KLG – Relations with Law Enforcement Authorities

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