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TO: Board of Education

FROM: Kevin Lancaster

DATE: January 9, 2012

SUBJ: Agenda Item (Section V – Policies and Regulations) Action Item

Attached you will find the Montgomery County Board of Education policy code 4333, Weapons, Bomb Threats and Clear Threats to Safety to be voted on for final approval.

We will also need your approval for the out of policy procedure for expediting this policy.

I will be available to answer any questions you may have.

WEAPONS, BOMB THREATS AND CLEAR THREATS TO SAFETY

Policy Code: *Action Item*

4333

The board will not tolerate the presence of weapons or destructive devices, bomb or terrorist threats or actions that constitute a clear threat to the safety of students or employees. Any student who violates this policy will be removed from the classroom or school environment for as long as necessary to provide a safe and orderly environment for learning

A. PROHIBITED BEHAVIOR

1. Weapons and Weapon-Like Items

Students are prohibited from possessing, handling, using or transmitting, whether concealed or open, any weapon, or any instrument that reasonably looks like a weapon or could be used as a weapon. Weapons include all of the following:

- loaded and unloaded firearm, including guns, pistols and rifles;
- ammunition of any kind, for any firearm, regardless of size or caliber;
- destructive devices, as described in subsection B.2 of this policy, including explosives, such as dynamite cartridges, bombs, grenades or mines;
- knives, including pocket knives, bowie knives, switchblades, dirks and daggers;
- slingshots and slungshots;
- leaded canes;
- blackjacks;
- metal knuckles;
- BB guns;
- air rifles and air pistols;
- stun guns and other electric shock weapons, such as tasers
- icepicks;
- razors and razor blades (except solely for personal shaving);
- fireworks; and
- any sharp pointed or edged instrument except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance.

~~Examples of other objects that may be considered weapons are box cutters and other types of utility blades and blowguns.~~

Any weapon or weapon like object, whether industrially

manufactured or homemade, that is reasonably likely to represent a danger to the school environment. Such objects include but are not limited to box cutters, utility blades, blowguns, and other like objects fitting the above description.

No student may knowingly or willfully cause, encourage or aid another student to possess, handle or use any of the weapons or weapon-like items listed above. A student who finds a weapon or weapon-like item, who witnesses another student or other persons with such an item, or becomes aware that another student or other persons intends to possess, handle or use an item, must notify a teacher or the principal immediately.

This section does not apply to board-approved and –authorized activities for which the board has adopted appropriate safeguards to protect student safety.

2. Bomb Threats

Students are prohibited from making, aiding and/or abetting in making a bomb threat or perpetrating a bomb hoax against school system property by making a false report that a device designed to cause damage or destruction by explosion, blasting or burning is located on school property.

No student may knowingly or willfully cause, encourage or aid another student to make a bomb threat or perpetrate a bomb hoax. Any student who becomes aware that another student or another person intends to use a bomb, make a bomb threat or perpetrate a bomb hoax must notify a teacher or the principal immediately.

3. Terrorist Threats

Students are prohibited from making, aiding, conspiring and/or abetting in making a terrorist threat or perpetrating a terrorist hoax against school system property by making a false report that a device, substance or material designed to cause harmful or life-threatening injury to another person is located on school property.

No student may knowingly or willfully cause, encourage or aid another student to make a terrorist threat or perpetrate a terrorist hoax. Any student who becomes aware that another student or other person intends to use a device, substance or material designed to cause harmful or life-

threatening illness or injury to another person, make a terrorist threat or perpetrate a terrorist hoax must notify a teacher or the principal immediately.

4. Clear Threats to Student and Employee Safety

Students are prohibited from engaging in behavior that constitutes a clear threat to the safety of other students or employees. Behavior constituting a clear threat to the safety of others includes, but is not limited to:

- a. theft or attempted theft by a student from another person by using or threatening to use a weapon;
- b. the intentional and malicious burning of any structure or personal property, including any vehicle;
- c. an attack or threatened attack by a student against another person wherein the student uses a weapon or displays a weapon in a manner found threatening to that person.
- d. an attack by a student on any employee, adult volunteer or other student that does not result in serious injury but that is intended to cause or reasonably could cause serious injury;
- e. an attack by a student on another person whereby the victim suffers obvious severe or aggravated bodily injury, such as broken bones, loss of teeth, possible internal injuries, laceration requiring stitches, loss of consciousness, or significant bruising or pain; or whereby the victim requires hospitalization or treatment in a hospital emergency room as a result of the attack;
- f. any intentional, highly reckless or negligent act that results in the death of another person;
- g. confining, restraining or removing another person from one place to another, without the victim's consent or the consent of the victim's parent, for the purpose of committing a felony or for the purpose of holding the victim as a hostage, for ransom, or for use as a shield;
- h. the possession of a weapon on any school property, including in a vehicle, with the intent to use or transmit for another's use or

possession in a reckless manner so tht harm is reasonably foreseeable;

- i. taking or attempting to take anything of value from the care, custody or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear;
- j. any unauthorized and unwanted intentional touching, or attempt to touch, by one person of the sex organ of another, including the breast of the female and the genital areas of the male and female;
- k. the possession, manufacture, sale or delivery, or any attempted sale or delivery, of a controlled substance in violation of Chapter 90 of the North Carolina General Statutes;
- l. any behavior resulting in a felony conviction on a weapons, drug, assault or other charge that implicates the safety of other persons; and
- m. any other behavior that demonstrates a clear threat to the safety of others in the school environment.

B. CONSEQUENCES

1. General Consequences

The disciplinary consequences for violations of this policy shall be consistent with Section D, of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

2. Specific Consequences Mandated by Law

As required by law, a student who brings or possesses a firearm or destructive device on school property or at a school-sponsored event must be suspended for 365 days, unless the superintendent modifies, in writing, the required 365-day suspension for an individual student on a case-by-case basis. The superintendent shall not impose a 365-day suspension if the superintendent determines that the student (1) took or received the firearm or destructive device from another person at school or found the

firearm or destructive device at school, (2) delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or school personnel and (3) had no intent to use the firearm or destructive device in a harmful or threatening way.

For the purpose of this subsection, a firearm is (1) a weapon, including any starter gun that will, is designed to or may readily be converted to expel a projectile by the action of an explosive, (2) the frame or receiver of any such weapon or (3) any firearm muffler or firearm silencer. A firearm does not include an inoperable antique firearm, a BB gun, a stun gun, an air rifle or an air pistol. For the purposes of this subsection, a destructive device is an explosive, incendiary or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than four ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine or (6) similar device.

A student may not be suspended for 365 days for a weapons violation except in accordance with this subsection.

Legal Reference: Gun-Free Schools Act 20 U.S.C. 7151; G.S. 14-17 to -18, -27.2 through -27.5A, -32, -33, -34 through -34.2, -41, -60, -69.1, -69.2, -87, -87.1, -132, -132.2, -202.2, -208.18, -269.2; -277.5; ch. 90, art. 5; 115C-47, -276(r), -288(g), -307, -390 .1, -390.2 -390.10 ; State Board of Education Policy HRS-A-002

Cross Reference: Student Sex Offenders (policy 4260), Student Behavior Policies (policy 4300), Integrity and Civility (policy 4310), Disruptive Behavior (policy 4315), Theft, Trespass and Damage to Property (policy 4330), Assaults, Threats and Harassment (policy 4331), Criminal Behavior (policy 4335)

Adopted: April 10, 2000

Revised: January 12, 2009

Updated: September 12, 2011

Updated: