

## Policy JICIA - WEAPONS, VIOLENCE AND SCHOOL SAFETY

The Board of Directors of the West Bath School Administrative Unit (WBSAU) believes that students and staff are entitled to learn and work in a school environment free of violence, threats and 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 to the building administrator for investigation and appropriate action.

### I. PROHIBITED CONDUCT

Students, staff and all other persons 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 as weapons or designed to inflict bodily harm and/or to threaten, intimidate, coerce or harass another person. Examples of such articles include but are not limited to firearms, BB guns, pellet guns, any other kind of gun, ammunition, explosives, crossbows, brass knuckles, switchblades, knives, chains, clubs, Kung Fu stars, and nunchucks;
- 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 or threatening 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 threats);
- D. Verbal or written statements (including those made using computers or other electronic communications devices or technologies) which threaten, intimidate, or harass others, which tend to incite violence and/or disrupt the school program;
- E. Willful and malicious damage to school or personal property;
- F. Stealing or attempting to steal school or personal property;
- G. Lewd, indecent or obscene acts or expressions of any kind;
- H. Violations of the school unit's drug/alcohol and tobacco policies;
- I. Violations of state or federal laws; and
- J. 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 officials acting in the performance of their duties.

- A. Possession of firearms used in educational programs

The prohibition on the possession of a firearm does not apply to a person who possesses an unloaded firearm for use in a supervised educational program approved and authorized by the Board and for which the Board has adopted appropriate safeguards to ensure student safety.

Nothing in this policy shall prevent the school system from offering or approving instructional activities related to firearms (.e.g., hunter safety). Any proposal to introduce an instructional activity involving firearms must be submitted in writing to the Superintendent, who may make a recommendation to the Board. Such proposal must state the objectives of the activity and describe the safeguards that will be put in place to ensure student and staff safety.

No firearms may be used in instructional activities or brought to school for instructional activities unless the Superintendent/designee has given specific permission in advance.

B. "Hunter's Breakfast" exception

The prohibition on possession of a firearm does not apply to a person who possesses an unloaded firearm that is stored inside a locked vehicle in a closed container, a zipped case or a locked firearms rack while that person is attending a "hunter's breakfast" or similar event that:

1. Is held during an open firearm season established by Maine law for any species of wild bird or wild animal;
2. Takes place outside of regular school hours; and
3. Has been authorized by the Board.

### III. USE OF OTHER WEAPONS IN INSTRUCTIONAL ACTIVITIES

Nothing in this policy shall prevent the school system from offering instructional activities using objects other than firearms that are generally considered weapons (e.g., bows and arrows) or from allowing an object generally considered a weapon to be brought to school for supervised instructional activities (e.g., archery, boat building) approved by the Board so long as the Board has adopted appropriate safeguards to ensure student and staff safety.

Any proposal to introduce an instructional activity involving such objects must be submitted in writing to the Superintendent. Such proposal must state the objectives of the activity and describe the safeguards that will be put in place to ensure student and staff safety.

No weapons or objects that are generally considered weapons may be used in instructional activities or brought to school for instructional activities unless the Superintendent/designee has given specific permission in advance.

### IV. DISCIPLINARY ACTION

Principals may suspend and/or recommend 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.

A student who is determined to have brought a firearm to school or to have possessed a firearm at 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.

All firearms violations shall be referred to law enforcement authorities as required by law. Other violations of this policy shall be referred to law enforcement authorities at the discretion of the Superintendent.

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

## **V. NOTIFICATION TEAM CONFIDENTIALITY**

Maine law authorizes law enforcement officers and criminal justice agencies to share with a superintendent or principal information pertaining to a juvenile when the information is credible and indicates an imminent danger to the safety of students or school personnel on school grounds or at a school function. Maine law requires the District Attorney to notify the superintendent when a juvenile is charged with use or threatened use of force or is adjudicated as having committed one or more juvenile crimes that involve the use or threatened use of force.

Within ten days or immediately if necessary for school safety, the Superintendent shall convene a notification team. The notification team must include the administrator/designee of the school building where the student attends, at least one classroom teacher to whom the student is assigned, a guidance counselor, and the student's parent/guardian. The notification team shall determine on this basis of need which school employees are entitled to receive information concerning allegations or adjudications of use or threatened use of force. Information received by the Superintendent/designee and disclosed to the notification team and/or disclosed to school employees is confidential and may not become part of the student's educational record.

The Superintendent shall ensure that confidentiality training is provided to all school employees who have access to this information.

As the composition of a specific notification team depends upon the individual students (one student will have different teachers than another, for example), and because teams are convened only as needed, the teams are not static. While determining who should be on a team is an easy matter, the determination of who has the "need to know" and, therefore, should be given or have access to confidential information is not necessarily so easy. Boards and Superintendents should contact MSMA or their school attorney when questions concerning confidentiality arise.

## **VI. PSYCHOLOGICAL EVALUATION/RISK ASSESSMENT**

The Board authorizes the Superintendent to request an immediate psychological evaluation of a student who engages in conduct prohibited by 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 remain in school.

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(s) to permit a requested psychological evaluation, the Superintendent and the 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:**

5 MRSA § 4681 et seq.

15 MRSA §§ 3301-A; 3308(7)(E); 3009

17-A MRSA §§ 2(9); 2(12-A)

20 USCA § 7151 (Gun-Free Schools Act)

20-A MRSA §§ 1001(9); 1001(9-A); 1055(11); 6552 PL Chapter 614, April 2010

**Cross Reference:**

ACAA - Harassment and Sexual Harassment of Students ADC - Tobacco Use and Possession

EBCA – Comprehensive Emergency Management 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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