

STUDENT PERSONNEL

Series 400

Policy Title . . . WEAPONS and PEPPER SPRAY

Code No. 443.6

The School Board believes that all students are entitled to attend, and school district employees to work in, a school free from bodily harm or endangerment. The federal government under the Gun Free Schools Act (GFSA) has established certain legal requirements in order for states and local district to receive federal funds. Therefore, the School Board establishes the following policy:

- No student regardless of age shall possess or use a weapon, imitation weapon or Oleoresin of Capsicum Spray (pepper spray) in school buildings, on school premises, in a district owned or controlled vehicle, school buses, or at any school sponsored function or event.
- A weapon is defined as a firearm (loaded or unloaded), knife, razor, martial arts device, explosive device, metal knuckle or any other object which is used or intended to be used to inflict bodily harm. An imitation weapon is defined as toy guns, water guns, non-working replicas of weapons, cap guns, poppers, war souvenirs, or any other object which could reasonably be mistaken for an actual weapon regardless of whether it is manufactured for that purpose. (Pepper spray information: According to Section 946.26(4) (k) of the state statutes, it is illegal for any persons who has not attained the age of 18 to possess a device or container that contains a combination of oleoresin of capsicum and inert ingredients e.g. pepper spray. Any person in violation of this law is subject to Class E forfeiture.)
- Students who violate Section 921 of Title 18 of the United States code shall be referred to law enforcement officials and shall be subject to school disciplinary action, including suspension, and a recommendation for expulsion, in accordance with federal law requirements. Under the GFSA the superintendent may modify the expulsion requirement on a case by case basis in order to be in compliance with federal Individuals with Disabilities Act (IDEA) and Section 504 of the Rehabilitation ACT. The student's parent(s)/guardian shall also be notified. Students found in violation of other areas of this policy shall be subject to school disciplinary action up to and including parental notification, police notification, suspension and recommendation for expulsion. Policy exceptions include:
 - 1) Weapons under the control of law enforcement personnel.
 - 2) Weapons properly registered and handled during the community use of school facilities.
 - 3) Theatrical props used in appropriate settings.
 - 4) Starter pistols used in appropriate sporting events by authorized personnel.
 - 5) Items pre-approved by the building principal as part of a class or individual presentation under adult supervision.

Date of Adoption:
June 12, 1995
Reviewed:
May 12, 2008

Legal Reference: Code of WI Chapter 48, WI Act 17 and 18 (1991) of the state statutes 120.13 (1), 939.22 (10), 941.26(4)(c)(k), 946.26 (4)(k), 948.60, 948.61. Federal Statutes Public Law 103-382. United States Code Title 18, Section 921. Rehabilitation Act, Section 504, Individuals with Disabilities Act