

# WEAPONS IN SCHOOL

Code **JICI** Issued **6/05**

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Purpose: To establish the basic structure for the board's prohibition of student possession of weapons.

It is the policy of the board to ensure the safety and welfare of its students and employees. The presence of firearms, knives, blackjacks or other weapons on school district property poses a severe threat of serious harm or injury to students and staff.

While on district or school property, on buses or at district or school-related functions, whether on or off district or school grounds, students will not possess any item capable of inflicting injury or harm (hereinafter referred to as a weapon) to persons or property when that item is not used in relation to a normal school activity at a scheduled time for the student. No vehicles parked on school property may contain firearms, knives, blackjacks or other items which are generally considered to be weapons.

## Level of offense

It is a felony offense, punishable by a fine of \$1,000 or imprisonment for five years, or both, to carry a weapon as referenced above on school property.

## Firearms

The board or its designee will expel for no less than one calendar year any student who has brought or possessed a firearm on district or school property, at district or school-related functions or at any setting under the jurisdiction of the district. For purposes of this section of the policy, weapon is defined as a firearm. The term firearm is defined extensively in the U.S. Code, but generally means a weapon (gun) or destructive device (explosive or incendiary device).

The board directs the superintendent to bring recommendations for expulsion consistent with this policy except that the superintendent, on a case-by-case basis, may modify this expulsion requirement. In considering whether to modify the one-year expulsion requirement, the superintendent may consider, among other things, the student's age, discipline records and the specific facts and circumstances of the incident.

Expulsion proceedings for weapons violations will be conducted consistent with the district's expulsion policy and administrative rule.

Pursuant to law, the district will refer each expelled student to the local county office of the Department of Juvenile Justice.

Adopted 7/1/75; Revised 8/13/91, 10/13/92, 10/11/94, 11/12/96, 6/14/05

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Legal references:

- A. United States Code:
  - 1. 20 U.S.C. 7151 - Gun-Free Schools.

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### **B. U.S. Supreme Court Cases:**

1. New Jersey v. T.L.O., 469 U.S. 325 (1985.)

### **C. S.C. Code, 1976, as amended:**

1. Section 59-63-235 - Expulsion of student determined to have brought firearm to school.
2. Section 59-19-90(3), (5) - General powers and duties of trustees.
3. Section 59-63-370 - Definition of a weapon.
4. Section 16-23-430 - Carrying weapons on school property