

STUDENT USE AND POSSESSION OF WEAPONS

This policy applies to all students of the District, regardless of age.

Weapons Prohibited

1. No student shall possess, use, store, transfer or make accessible to another person any weapon while the student is (a) at school or under the supervision of a school district authority, regardless of the student's location; (b) in any building or facility or on grounds or premises owned, occupied or controlled by the District, at any time; (c) in any District-owned vehicle or on any form of District-provided transportation, at any time; and/or (d) participating in or attending any District-sponsored program or activity.
2. No student, while not at school or while not under the supervision of a school authority, shall possess, use, store, transfer or make accessible to another person any weapon in a manner which (a) endangers the property, health or safety of others who are at school or under the supervision of a school authority; or (b) endangers the property, health or safety of any employee or School Board member of the District.
3. No student shall keep or store, or allow any other person to keep or store, a weapon in a vehicle at any time when the vehicle is located on school premises or on other property owned, occupied or controlled by the District.
4. No student shall falsely represent as a weapon anything that, although not actually a weapon, has (or has been given) the appearance of a weapon (e.g., to intimidate or threaten another person).

Exceptions to the Prohibitions against Student Possession of Weapons

The prohibitions on weapons identified above do not apply in the following circumstances:

1. Where state or federal law prohibits a school district from restricting any student's right to possess or use any weapon in a location or at a time otherwise covered by this policy.
2. Where a weapon, other than a firearm, bomb, explosive or similar destructive device, has been approved by the building principal, a minimum of 10 calendar days in advance, for purposes of a specific demonstration or educational presentation, provided that the weapon shall be maintained in the possession of the principal except during the actual demonstration or presentation.
3. Pursuant to any other exception that is consistent with applicable law and that is approved in advance by a motion of the Board.

In addition, it shall not be considered a violation of this policy for a student to possess or use a potentially dangerous object or substance, other than a firearm, destructive device or electric weapon, which might otherwise fit this policy's definition of a weapon or which might improperly be used as a weapon (e.g., certain knives, cutting instruments, equipment, or tools), provided that (1) the object or substance has been authorized or issued by the District; and (2) the object or substance is possessed and used exclusively for its limited and authorized purpose(s).

Definition

1. A “destructive device” means:
 - a. Any explosive, incendiary, or poison gas, including a bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device;
 - b. Any weapon that will, or that may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter; or
 - c. Any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled.
2. “Firearms” include handguns, shotguns, rifles and other firearms, either loaded or unloaded, listed below.
 - a. “Handgun” means any weapon designed or redesigned, or made or remade, and intended to be fired while held in one hand and to use the energy of an explosive to expel a projectile through a smooth or rifled bore.
 - b. “Shotgun” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and to use the energy of the explosive in a fixed shotgun shell to fire through a smooth bore either a number of ball shots or a single projectile for each single pull of the trigger.
 - c. “Rifle” means a weapon designed or redesigned, made or remade, and intended to be fired from the shoulder and to use the energy of the explosive in a fixed metallic cartridge to fire only a single projectile through a rifled bore for each single pull of the trigger.
 - d. “Other firearms” include any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, the frame or receiver of any such weapon, and any firearm muffler or firearm silencer.
3. “Other dangerous weapon” is any dangerous weapon that is not a destructive device or firearm. This would include any weapon, device, instrument, or material, or substance, animate or inanimate that is used for, or is readily capable of causing death or serious bodily injury. There may be several objects that are questionable regarding whether they are considered weapons and whether the presence of these objects requires activation and enforcement under Board policy. The administrator may use his/her discretion when interpreting use and intent with such objects.
4. “Facsimile firearm” includes any replica, toy, or other object that bears a reasonable resemblance to, or can be perceived to be, an actual firearm.

5. "Facsimile dangerous weapon" includes any replica, toy, or other object that bears a reasonable resemblance to, or can be perceived to be, an actual dangerous weapon.

This policy also applies to the possession of any facsimile firearm that could reasonably be expected to alarm, intimidate, threaten, or terrify another person.

Additional Student Responsibilities

Students are responsible for taking reasonable steps, in advance, to ensure that any item in their possession or control is not prohibited by this policy. Students who have questions about whether an item is covered by this policy, or whether a particular exception identified in this policy may apply in a specific context should contact their building principal or the Superintendent.

A student who finds him/herself inadvertently in possession of a weapon in violation of this policy shall immediately surrender the weapon to a school staff member. An investigation will occur into the circumstances surrounding the possession and surrender of the weapon, and a decision will be made whether to discipline the student, or not, after a consultation between the principal and the Superintendent. If the weapon is surrendered before the student is discovered to be in possession of the weapon and before any incident or disturbance occurs involving the weapon and before other students/staff are aware of the weapon thereby causing alarm or potentially causing alarm, such factors may weigh in favor of the student.

If any student has reason to believe that any student, District employee, volunteer, visitor or other person possesses, or has used or stored a weapon in violation of this policy or any other District policy, the student should immediately report that belief to a teacher, building principal or other responsible adult. Any act of retaliation against a student who, in good faith, reports a possible violation of this policy or participates in the investigation of such a report is prohibited.

Sanctions for Violations

Any time school officials determine that a student has possessed or used any firearm, bomb, explosive or similar destructive device, or any other weapon while at school or while under the supervision of a school authority, an administrator shall refer the student and the incident to law enforcement or to another representative of the criminal or juvenile justice system. In situations involving a student's possession of a firearm, bomb, explosive or similar destructive device, an administrator shall also suspend the student and commence expulsion proceedings, and the Board shall expel the student from school for at least one year. The Board may modify this expulsion requirement on a case-by-case basis, provided that any such modification is documented in writing. In situations involving other weapons violations under this policy, the student shall be referred for potential disciplinary action, up to and including possible expulsion from school. Where applicable, the District may also impose sanctions under the school activity/athletic code.

Student Disciplinary Procedures

When a student is in violation of the District's weapons policy, these procedures shall be followed:

1. Confiscate the weapon if it can be done safely, or call 911 and request assistance if needed. District staff shall follow emergency response procedures outlined in the school safety plan and other related District policies and procedures when carrying out this task.
2. Notify the building principal and Superintendent.
3. Hold an administrative meeting with the student to: (a) inform the student of the policy provision that has been violated; (b) confront the student with the evidence; and (c) provide an opportunity for the student to respond to the allegations.
4. Contact the student's parent or guardian.
5. Suspend the student from school and/or take other appropriate disciplinary action if a violation of the weapons policy is confirmed.
6. Consider referral of the student to the School Board for possible expulsion from school. In the case of student possession of a firearm, the student shall be suspended from school, referred for an expulsion hearing, and expelled from school for one year. Exceptions may be made to the one-year expulsion requirement on a case-by-case basis.
7. Refer the student to the criminal justice or juvenile delinquency system. Such a referral is not required for policy violations involving solely a facsimile firearm/weapon where there was no attempt to threaten, harass, intimidate or harm another person.

Hunter Safety

Although the District supports the importance of the safety of hunters and the tradition of hunting in Wisconsin, the District does not allow hunter safety courses to be taught in District facilities or on District property. Students taking hunters safety courses are expressly prohibited from storing their weapons in their lockers, in school buildings, on school property, or in their vehicle while their vehicle is present on or near school property.

Hunting on School Grounds

The District expressly prohibits hunting in the school forest, wetlands, or any property owned by the District. Violators will be referred to the proper law enforcement agency.

Notices

Students shall be given notice of the conduct prohibited by this policy and the related student responsibilities via the Student Handbook.

ADOPTED: October 28, 2019

REVISED:

LEGAL REFERENCES:

Wisconsin Statutes

Section 118.07	[school safety plans]
Section 118.31	[use of reasonable force to obtain weapon]
Section 120.13(1)(bm)	[state law suspension mandate for possession of a firearm]
Section 120.13(1)(c)2m	[state law expulsion mandate for possession of a firearm]
Section 120.13(1)(g)	[board authority to modify expulsion mandate on case-by-case basis]
Section 120.13(38)	[board authority to permit hunting in the school forest]
Section 175.32	[mandatory reporting of threats of school violence]
Section 941.295(1c)(a)	[definition of “electric weapon”]
Section 943.13	[criminal trespass law, includes provisions related to carrying firearms]
Section 948.60	[possession of a dangerous weapon under 18 years of age]
Section 948.605	[gun-free schools zones]
Section 948.61	[dangerous weapons other than firearms on school premises]

Federal Laws

Gun-Free Schools Act	[student possession of firearms prohibited; student referral to law enforcement/juvenile justice system required in policy]
18 U.S.C Sec. 921(a)	[federal definition of “firearm” (including destructive devices) that is used within the Gun-Free Schools Act and within state law governing suspensions/expulsions for firearms - section 120.13(1)(c)(2m)]

[Individuals with Disabilities Education Act](#) [programs and services for students with disabilities; includes authority to order change of placement for weapons possession]

CROSS REF.: JGD, Student Suspension
JGE, Student Expulsion
KGD, Weapons on School Premises
Crisis Response Plan

REVIEW DATE: October 28, 2019