



Book	Policy Manual
Section	200 Pupils
Title	Weapons or Their Replicas
Code	218.2
Status	Final Reading and Adoption
Adopted	October 4, 1995
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Purpose

The Board recognizes the importance of a safe school environment. Possession of weapons in the school setting is a threat to the safety of students and staff and is prohibited by law.

Definitions

~~**Person** means, but shall not be limited to, teachers, staff members, administrators, employees, members of the general public, or individuals doing business with or on the school district's behalf.~~

School district property means, but shall not be limited to, buildings; parking lots; athletic fields; playgrounds; bus stops; vehicles; or any item, object or area under the school district's control or jurisdiction going to and from school, including that which is leased or provided for the school district's use by any person. It shall also mean while on someone else's property but while participating in a school-related event.

~~**Student** means any person enrolled in the school district's educational programs.~~

Weapons -- the term shall include~~or their replicas~~ means, but shall not be limited to, firearms, rifles, shotguns, knives, cutting instruments, cutting tools, metal knuckles, nunchaku, straight razors; explosives; bows and arrows; ~~water pistols or rifles;~~ noxious, irritating or poisonous gases; poisons; ~~drugs; replicas of any weapon,~~ or any other device, object, or item that may, in the school district's judgment, be used to harm, threaten, harass, or injure anyone, ~~including, but not limited to, any student, person or oneself.~~

This definition does not apply to school-sponsored programs such as art, human development, industrial arts or musical activities which routinely use tools, which, if improperly used, could be considered a weapon. Under no circumstances are these tools to be removed from their respective areas. School officials and staff members have the responsibility to emphasize their proper and intended uses.

Possessionng - a student is in possession of a weapon when the weapon is found on the person of the student; in the student's locker or assigned storage area; under the student's control while on school property; on property being used by the school; at any school function or activity; at any school event held away from the school; or while the student is coming to or from school.

Authority

Weapons or their replicas are prohibited from being brought, carried, possessed, located, stored, accessed, or used by any student or person on the school district's property, at school-sponsored activities, and on any public vehicle providing transportation to or from school or a school-sponsored activity, or while the student is coming to or from school. Any person discovering possession, transmission, handling or use of a weapon, facsimile or look-alike, or a threat to use a weapon, shall immediately notify the principal or designee of the apparent violation. [1][Pol. 218]

Students who possess weapons or their replicas on school property will be expelled from school for a minimum of one (1) year, unless the Superintendent or his/her designee recommends a shorter suspension or expulsion. ~~The Superintendent may recommend modifications of such expulsion requirements, including discipline short of expulsion on a case-by-case basis.~~ Such suspension or expulsion shall be given in conformance with formal due process proceedings required by law and Board policy. [24 P.S. 1317.2][Pol. 233][Pol. 113.1][Pol. 218]

The Superintendent may recommend modifications of such expulsion requirements, including discipline short of expulsion on a case-by-case basis. [24 P.S. 1317.2]

The school district retains the authority to make an alternative assignment or provide alternative educational services during the period of expulsion. Whenever the Board expels such a student for less than a year, the Board shall include reasons for the less severe penalty in its written adjudication, or adopt by reference the written reasons offered by the Superintendent. [2][1]

It shall not be a defense to this violation to show that:

1. The student was holding the weapon for someone else.
2. The student lacked an intent to injure a student, person or oneself.

In the case of a student with a disability, including a student for whom an evaluation is pending, the district shall take all steps required to comply with state and federal laws and regulations, the procedures set forth in the memorandum of understanding with local law enforcement, and Board policies. [24 P.S. 1317.2][Pol. 113.1][20 U.S.C. 1400 et seq.][22 PA Code 10.23][Pol. 103.1][Pol. 113.2][Pol. 133.3][Pol. 805.1]

Delegation of Responsibility

In accordance with state law, the Superintendent or designee annually, by July 31, shall report all incidents involving relating to expulsion for possession of a weapon to the Office for Safe Schools on the required form o the Department of Education. [1][Pol. 805.1][24 P.S. 1303-A]

The Superintendent or designee shall react promptly to information concerning possession of a weapon or its replica. Such action shall be in compliance with state law and regulations and with the procedures set forth in the memorandum of understanding with local law enforcement officials and the district's emergency preparedness plan. [Pol. 805.1][24 P.S. 1302.1-A][Pol. 805]

~~The Superintendent or designee shall be responsible to develop a memorandum of understanding with local law enforcement officials that sets forth procedures to be followed when an incident occurs involving an act of violence or possession of a weapon by any person on school property.~~ [3]

Guidelines

The Superintendent or designee shall immediately report incidents involving weapons on school property, at any school-sponsored activity, or on a conveyance providing transportation to or from a school or school-sponsored activity to the local police department that has jurisdiction over the school's property, in accordance with state law and regulations, the procedures set forth in the memorandum of

understanding with local law enforcement and Board policies.[24 P.S. 1317.2][Pol. 805.1][24 P.S. 1302.1-A][24 P.S. 1303-A][22 PA Code 10.2][22 PA Code 10.21].

The Superintendent or designee shall notify the parent/guardian of any student directly involved in an incident involving weapons as a victim or suspect immediately, as soon as practicable. The Superintendent or designee shall inform the parent/guardian whether or not the local police department that has jurisdiction over the school property has been or may be notified of the incident. The Superintendent or designee shall document attempts made to reach the parent/guardian.[Pol. 805.1][22 PA Code 10.2][22 PA Code 10.25].

The building principal shall annually inform staff, students, and parents/guardians of the content of this policy.

~~The school district reserves the right through itself or law enforcement authorities in accordance with law to question any student or person entering or leaving school district property and to inspect any student or person, or the student's or person's locker; vehicle; package; purse; handbag; briefcase; backpack; lunch box; or other possession, item or object carried to or from the school district's property for weapons or their replicas.[4]~~

Seizure and Forfeiture

~~Any weapon or replica brought, carried, possessed, located, stored, accessed, or used by a student or on school district property is subject to seizure or forfeiture by the school district or law enforcement authorities in accordance with law.[1]~~

Violations

~~Report to Law Enforcement Authorities—Students or persons violating this policy will be reported to the appropriate law enforcement authorities for possible legal action. Student violations will also be reported to the student's parents/guardians.[1]~~

~~Violations of the Berks Career Technology Center Weapons Policy by a Wilson School District student while attending the Career Technology Center will result in disciplinary action according to the Weapons Policy of the Berks Career Technology Center and the Wilson School District.[5]~~

~~Students going to or from the Berks Career Technology Center who violate this policy will be disciplined according to the Wilson School District's Weapons Policy and Procedures.[5]~~

Students who attend any career and technical education facility or other approved alternative educational program and violate this policy or the weapons policy of the career and technical education facility or alternative educational program will be disciplined according to the wWeapons pPolicy of the alternative educational program and the Wilson School District.

In accordance with the federal law, possession or discharge of a firearm in, on, or within 1,000 feet of school grounds is prohibited. Violations shall be reported to the appropriate law enforcement agency.[7].
[8]

Exceptions

Weapons or their replicas under the control of law enforcement authorities are permitted on school district property. The Superintendent may also authorize other persons to bring weapons or their replicas onto the school district property subject to special conditions or procedures that the school district may impose.[1]

~~In the case of a student with a disability, the Superintendent shall take all necessary steps to comply with the Individuals with Disabilities Education Act and follow Board policy.[6]~~

Transfer Students

When the school district receives a student who transfers from a public or private school during an expulsion period for an offense involving a weapon, the district may assign that student to an

alternative assignment or may provide alternative education, provided the assignment does not exceed the expulsion period. [\[1\]](#) [\[Pol. 200\]](#).

Legal

1. 24 P.S. 1317.2
2. Pol. 233
3. 24 P.S. 1303-A
4. Pol. 226
5. Pol. 218.2
6. 20 U.S.C. 1400 et seq
- 22 PA Code 403.1
- 20 U.S.C. 7151
- 20 U.S.C. 7114
7. 18 U.S.C. 921
8. 18 U.S.C. 922
- 18 Pa. C.S.A. 912
- 34 CFR Part 300