

WEAPONS, BOMB THREATS, TERRORIST THREATS AND CLEAR THREATS TO SAFETY

Policy Code: 4333

The board will not tolerate the presence of weapons or destructive devices, bomb or terrorist threats or actions that constitute a clear threat to the safety of students and employees. Any student violating this policy will be removed from the classroom or school environment for as long as necessary to ensure a safe and orderly environment for learning. The superintendent is responsible for ensuring that consequences for prohibited behaviors are uniformly applied throughout the school district. Except where certain consequences for misbehavior are required by law, principals in the elementary grades are expected to use good judgment and reasonable discretion in determining the appropriate consequence for violation of board policies, school standards or rules.

A. WEAPONS AND WEAPON-LIKE ITEMS

1. Prohibited Behavior

Students are prohibited from possessing, handling, using or transmitting, whether concealed or open, any weapon, or any instrument that reasonably looks like a weapon or could be used as a weapon. Weapons include all of the following:

- a. loaded or unloaded firearm, including a gun, pistol or rifle;
- b. destructive devices, as described in subsection B.2 of this policy, including explosives, such as dynamite cartridges, bombs, grenades and mines;
- c. knife, including a pocket knife, bowie knife, switchblade, dirk or dagger;
- d. slingshot or slungshot;
- e. leaded cane;
- f. blackjack;
- g. metal knuckles;
- h. BB gun;
- i. air rifle or air pistol;
- j. stun gun or other electric shock weapons, such as tasers;
- k. icepick;
- l. razor or razor blade (except solely for personal shaving);
- m. fireworks; and
- n. any sharp pointed or edged instrument except unaltered nail files and clips and tools used solely for preparation of food, instruction and maintenance.

Examples of other objects that could be considered weapons are box cutters and other types of utility blades and blowguns.

No student may knowingly or willfully cause, encourage or aid any other student to possess, handle or use any of the weapons or weapon-like items listed above. A student who finds a weapon or weapon-like item, who witnesses another student or other persons with such items, or becomes aware that another student

or other persons intends to possess, handle or use such items, must notify a teacher or the principal immediately.

This section does not apply to pupils who are members of the Reserve Officer Training Corps and who are required to carry arms or weapons in the discharge of their official class duties; nor does this section apply to weapons used in school-approved instruction or ceremonies.

This section does not apply to board-approved and -authorized activities for which the board has adopted appropriate safeguards to protect student safety.

2. Consequences

a. General Consequences

Violation of this section may result in short-term suspension up to ten days, long-term suspension, 365 days suspension or expulsion. The procedures for suspension or expulsion are provided in board policy 4353, Long-Term Suspension, 365 Days Suspension, Expulsion. A determination of the appropriate consequence for firearms/explosives violations will be made in accordance with the provisions of that policy and Subsection A.2.b, below. Placement in an alternative educational setting may be made instead of suspension in accordance with policy 3470/4305 Alternative Learning Programs/Schools.

b. Consequences for Firearms/Explosives Violations

As required by law, a student who brings or possesses a firearm or powerful explosive on school property or at a school-sponsored curricular or extracurricular activity must be suspended for 365 days, unless the superintendent recommends and the board approves a modification. A firearm includes any gun, rifle, pistol or other weapon used for firing a projectile by means of an explosive charge. A firearm does not include a BB gun, stun gun, air rifle or air pistol. A powerful explosive includes a dynamite cartridge, blasting cap, trinitrotoluene (TNT), nitroglycerin, grenade or mine. A student who possesses a firearm or powerful explosive on school property also shall be referred to the criminal justice or juvenile justice system. For purposes of this subsection, "school property" includes any public school building, bus, public school campus, grounds, recreational area or athletic field in the charge of the principal. A student may not be suspended for 365 days for a weapons violation except in accordance with this subsection.

B. BOMB THREATS

1. Prohibited Behavior

Students are prohibited from making, aiding and/or abetting in making a bomb threat or perpetrating a bomb hoax against school district property by making a false report that a device designed to cause damage or destruction by explosion, blasting or burning is located on school property.

No student may knowingly or willfully cause, encourage or aid another student to make a bomb threat or perpetrate a bomb hoax. Any student who becomes aware that another student or other person intends to use a bomb, make a bomb threat or perpetrate a bomb hoax must notify a teacher or the principal immediately.

2. Consequences

As required by law, the board shall suspend for 365 days any student who:

- a. makes a false report that there is a bomb or bomb-like device located on school property or at a school-related or school-sponsored activity; or
- b. conceals, places or displays a device on school property or at a school-related or school-sponsored activity with the intent to cause others to believe the device is a bomb.

Upon the superintendent's recommendation, the board may modify the suspension. A student who violates this section also will be referred to the criminal justice and/or juvenile justice system.

C. TERRORIST THREATS

1. Prohibited Behavior

Students are prohibited from making, aiding, conspiring and/or abetting in making a terrorist threat or perpetrating a terrorist hoax against school district property by making a false report that a device, substance or material designed to cause harmful or life-threatening injury to another person is located on school property.

No student may knowingly or willfully cause, encourage or aid another student to make a terrorist threat or perpetrate a terrorist hoax. Any student who becomes aware that another student or other person intends to use a device, substance or material designed to cause harmful or life-threatening illness or injury to another person, make a terrorist threat or perpetrate a terrorist hoax must notify a teacher or the principal immediately.

2. Consequences

As required by law, the board or superintendent shall suspend for 365 days any student who:

- a. makes a false report that there is a device, substance or material designed to cause harmful or life-threatening illness or injury to another person located on school property or at a school-related or school-sponsored activity;
- b. conceals, places, disseminates or displays a device, machine, instrument, artifact, letter, package material or substance on school property or at a school-related or school-sponsored activity with the intent to cause others to believe the device is a substance or material capable of causing harmful or life-threatening illness or injury to another person;
- c. threatens to commit on school property or at a school-related or school-sponsored activity an act of terror that is likely to cause death, with the intent to cause a significant disruption to the instructional day or school-sponsored activity or which actually causes such disruption;
- d. makes a false report that there is about to occur or is occurring on school property or at a school-related or school-sponsored activity an act of terror that is likely to cause serious injury or death, with the intent to cause a significant disruption to the instructional day or school-sponsored activity or which actually causes such disruption; or
- e. conspires to commit any of the above-described acts.

Upon the superintendent's recommendation, the board may modify the suspension. A student who violates this section also will be referred to the criminal justice and/or juvenile justice system.

D. CLEAR THREATS TO SAFETY OF STUDENTS AND EMPLOYEES

1. Prohibited Behavior

Students are prohibited from engaging in behavior that constitutes a clear threat to the safety of other students or employees. Behavior constituting a clear threat to the safety of others includes, but is not limited to:

- a. theft or attempted theft by a student from another person by using, or threatening to use, a weapon;
- b. the intentional and malicious burning of any structure or personal property, including vehicles;
- c. an attack, or threatened attack, by a student against another person wherein the student uses a weapon or displays it in a manner found threatening to that person;

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- d. an attack by a student on any employee, adult volunteer, or another student which does not result in serious injury but which is intended to cause or reasonably could cause serious injury;
 - e. an attack by a student upon another person whereby the victim suffers obvious severe or aggravated bodily injury such as broken bones, loss of teeth, possible internal injuries, laceration requiring stitches, loss of consciousness, significant bruising or pain, or the victim requires hospitalization or treatment at a hospital emergency room as a result of the attack;
 - f. any intentional, highly reckless or negligent act that results in the death of another person;
 - g. confining, restraining, or removing another person from one place to another, without the victim's consent, or the consent of the victim's parents, for the purpose of committing a felony, or for the purpose of holding the victim as a hostage or for ransom or for use as a shield;
 - h. possession of a weapon on any school property, including in vehicles, with the intent to use or transmit for another's use or possession in a reckless manner so that harm is reasonably foreseeable;
 - i. the taking or attempting to take anything of value from the care, custody or control of another person or persons, by force, threat of force, or violence, or by putting the victim in fear;
 - j. any unauthorized and unwanted intentional touching, or attempt to touch, by one person of the sex organ of another, including the breasts of the female and the genital areas of the male and female;
 - k. the possession, manufacture, sale, or delivery, or any attempted sale or delivery, of a controlled substance in violation of Chapter 90 of the General Statutes;
 - l. any behavior resulting in a felony conviction on a weapons, drug, assault or other charge that implicates the safety of other persons; and
 - m. any other behavior that demonstrates a clear threat to the safety of others in the school environment.
2. Consequences
 - a. General Consequences
The disciplinary consequences for violations of this policy shall be

consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

b. Specific Consequences Mandated by Law

As required by law, a student who brings or possesses a firearm or destructive device on school property or at a school-sponsored event must be suspended for 365 days, unless the superintendent modifies, in writing, the required 365-day suspension for an individual student on a case-by-case basis. The superintendent shall not impose a 365-day suspension if the superintendent determines that the student (1) took or received the firearm or destructive device from another person at school or found the firearm or destructive device at school, (2) delivered or reported the firearm or destructive device as soon as practicable to a law enforcement officer or school personnel and (3) had no intent to use the firearm or destructive device in a harmful or threatening way.

For the purpose of this subsection, a firearm is (1) a weapon, including a starter gun that will, is designed to or may readily be converted to expel a projectile by the action of an explosive, (2) the frame or receiver of any such weapon or (3) any firearm muffler or firearm silencer. A firearm does not include an inoperable antique firearm, a BB gun, a stun gun, an air rifle or an air pistol. For the purposes of this subsection, a destructive device is an explosive, incendiary or poison gas (1) bomb, (2) grenade, (3) rocket having a propellant charge of more than four ounces, (4) missile having an explosive or incendiary charge of more than one-quarter ounce, (5) mine or (6) similar device.

A student may not be suspended for 365 days for a weapons violation except in accordance with this subsection.

c. Expulsion

Upon the recommendation of the superintendent, the board may expel a student who is fourteen years of age or older if the student's behavior indicates that his or her continued presence in school constitutes a clear threat to the safety of other students or employees. In determining whether expulsion is appropriate, the board will consider the culpability of the student, the dangerousness of the student and the harm caused by the student, in accordance with policy 4353, Long-Term Suspension, 365 Days Suspension, Expulsion.

The board also may expel a student who is subject to and in accordance

with policy 4260, Student Sex Offenders.

Legal Reference: Gun-Free Schools Act, 20 U.S.C. 7151, G.S. 14-17, -18, -27.2 through -27.5A, -32, -33, -34 through -34.2, -41, -60, -69.1, -69.2, -87, -87.1, -132, -132.2, -202.2, -208.18, -269.2; 277.5; ch. 90 art. 5; 115C-47, -276(r), -288, -307, -390.1, -390.2, -390.10; State Board of Education Policy HRS-A-002

Cross Reference: Alternative Learning Programs/Schools (policy 3470/4305), Integrity and Civility (policy 4310), Disruptive Behavior (policy 4315), Theft, Trespass and Damage to Property (policy 4330), Assaults, Threats and Harassment (policy 4331), Criminal Behavior (policy 4335), Long-Term Suspension, 365 Days Suspension, Expulsion (policy 4353), Student Sex Offenders (policy 4260)

Adopted: May 11, 2000

Updated: April 8, 2004, November 8, 2007, December 10, 2009, October 13, 2011