ADRIAN PUBLIC SCHOOLS
Policies and Regulations

NEPN Code: JFCJ

Students

Dangerous Weapons in the Schools

Weapon Free School Zone Policy

The Board of Education of the School District of the City of Adrian, as both an employer and a public School District, is concerned with and interested in protecting the health, safety, and welfare of students, employees, and visitors. The Board recognizes that school buildings, facilities, vehicles, grounds and other school property are best utilized in the educational process in the absence of threats to physical well being and safety, by individuals possessing weapons and/or dangerous weapons.

Accordingly, the Board of Education of the School District of the City of Adrian (or the Superintendent, a principal or other District official as may be designated by the Board) shall permanently expel a pupil from attending school in the School District, if the pupil possesses a weapon in a weapon free school zone. Such expulsion is mandatory, unless the pupil establishes, to the School District's satisfaction, in a clear and convincing manner, at least one of the following:

1) That the object or instrument possessed by the pupil was not possessed for use as a weapon, or for direct or indirect delivery to another person for use as a weapon;

2) The weapon was not knowingly possessed by the pupil;

3) The pupil did not know or have reason to know that the object or the instrument possessed by the pupil constituted a weapon or dangerous weapon; or

4) That the weapon was possessed by the pupil at the suggestion, request, or director of, or with the expressed permission of, school or police authorities.

Expulsions mandated under this policy shall be imposed in accordance with the procedures for student discipline as established by the School District and as set forth in the Student Code of Conduct and policy on Suspensions/Expulsions.
Recordation and Referral

All expulsions pursuant to this policy shall be entered and preserved on the student’s individual permanent record. This information shall be disseminated, as part of a student’s permanent record, to any other public or private (primary or secondary) school where the expelled student seeks to enroll and where this District is requested, or otherwise required, to forward or release records to that institution. The School District shall immediately report any incident involving the possession of a weapon or dangerous weapon on school property, in writing, to the pupil’s parent or legal guardian (if the pupil is unemancipated) and to the local law enforcement agency.

The School District shall, within three days of expulsion, refer the expelled student to the appropriate County Department of Social Services or County Community Mental Health Agency.

The School District shall also notify the individual’s parent or legal guardian or (if the individual is at least 18 years old or otherwise legally emancipated) notify the expelled student of the referral. The School District shall also refer for prosecution conduct by any individual which is believed to violate state or federal laws establishing weapon-free or gun-free school zones.

Petitions for Reinstatement

Pupils expelled pursuant to this policy (or their parent or legal guardian if the pupil is unemancipated) may petition the Board of this School District for reinstatement to school. An individual who was in grade 5 or below when expelled may petition for reinstatement at any time after the expiration of 60 school days subsequent to the date of expulsion. Individuals who were in grade 6 or above at the time of expulsion may petition for reinstatement at any time after the expiration of 150 school days subsequent to the date of expulsion. The petitioner shall provide an authorization and release for the Board of Education and its designated committee to request, receive and review all student records and student record information maintained by any public or private school which the petitioning pupil has attended. If such records are already in the possession of this District, the parent/guardian or student (if emancipated) shall furnish written authorization for review of same by the committee and Board of Education members.

Upon receipt of a petition for reinstatement, the District shall do the following:

1) Not later than 10 school days after receiving a petition for reinstatement, the School Board shall appoint a committee to review the petition and any supporting information submitted by the parent or legal guardian (if the expelled student is unemancipated) or from the expelled pupil;

2) The committee shall consist of two School Board members, one school administrator, one teacher, and one parent of a pupil attending this School District;
3) The Superintendent of the School District may prepare and submit for consideration by the committee information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement;

4) Not later than 10 school days after all members are appointed, the committee shall review the petition and any supporting information, including any information provided by the School District, and shall submit a recommendation to the School Board on the issue of reinstatement;

5) The recommendation of the committee shall be for unconditional reinstatement, for conditional reinstatement, or against reinstatement, and shall be accompanied by an explanation of the reasons for the recommendation and of any recommended conditions for reinstatement; and

6) The Superintendent shall be allowed to attend meetings of the committee appointed by this Board of Education when considering petitions for reinstatement.

**Criteria for Reinstatement**

The designated committee and this Board of Education shall consider the following factors when a petition for reinstatement is submitted:

1) Whether the reinstatement would create a risk of harm to other pupils or school personnel;

2) Whether reinstatement would create a risk of School District or individual liability for the School Board or School District personnel;

3) The age and maturity of the individual;

4) The individual's school record before the incident that caused the expulsion;

5) The individual's attitude concerning the incident that caused the expulsion;

6) The individual's behavior since expulsion and the prospects for remediation of the individual;

7) The degree of cooperation and support from the individual's parent or guardian (if the petition was filed by a parent or guardian) as well as any support which may be expected from a parent or guardian, if the expelled student is reinstated.
Criteria for Reinstatement (CONTINUED)

Petitions for reinstatement from students expelled by the Board of Education of another School District shall not be processed if that student has not first submitted a petition for reinstatement to the expelling Board. This School District will only consider reinstatement, to the extent required and allowed by law, upon receiving written verification of the denial of the student's petition for reinstatement by the expelling Board.

Conditions of Reinstatement

The School Board may require an expelled student (and if the petition was filed by a parent or legal guardian, the parent or legal guardian) to agree in writing to specific conditions before reinstating the student. These conditions may include, but are not limited to:

1) Signing a behavior contract;

2) Participation in or completion of an Anger Management Program or other appropriate counseling (at the expelled student's expense);

3) Periodic progress reviews; and

4) Specific immediate consequences for failure to abide by any conditions of reinstatement.

Reinstatement

If the School District decides to reinstate an expelled pupil, those who were in grade 5 and below at the time of the expulsion shall not be reinstated before the expiration of 90 school days subsequent to the date of expulsion unless a longer period of expulsion is required pursuant to the Federal Gun Free Schools Act. For students in grade 5 and below who have violated the Federal Gun Free Schools Act and who are accordingly subject to mandatory one year expulsion, the Superintendent may submit his or her own recommendation to the Board of Education, in conjunction with the designated committee's recommendation, to modify the one year expulsion requirement (on a case-by-case basis) to a period of time not less than 90 school days. Individuals in grade 6 or above at the time of the expulsion shall not be reinstated before the expiration of 180 school days (one legal school year) after the date of expulsion.

Application to Handicapped Pupils

This policy shall be applied in a manner consistent with the rights secured under applicable law to pupils who are determined to be eligible for special education programs and services.
Definitions

"Weapon" or "dangerous weapon" includes: a firearm; gun; revolver; pistol; dagger; dirk; stiletto; knife with a blade over 3-inches in length; pocket knife opened by a mechanical device; iron bar; or brass knuckles.

"Weapon Free School Zone" means school property and/or a vehicle used by the school to transport students to or from school property.

"School property" means a building, playing field, or property used for school purposes to impart instruction to children or used for functions and events sponsored by a school.

"Firearm" means (a) a weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by an explosive, or by gas or air; (b) the frame or receiver of any such weapon; (c) any firearm muffler or firearm silencer; or (d) any destructive device, including explosives, incendiaries, poison gas, or any weapon which will (or may readily be converted to) expel a projectile by the action of an explosive or other propellant. For purposes of application and enforcement of this policy, a B-B gun is considered to be a "firearm".

Legal References


Policy: Board Action
Adopted: June 21, 1999
Amended: