DANGEROUS WEAPONS, ARSON, OR RAPE

A. DANGEROUS WEAPONS

1. The following procedures and directives will serve to implement Board policy concerning the legal mandates on possession of dangerous weapons and commission of arson or rape by students.

2. DEFINITIONS

   a. Dangerous Weapons – means a firearm, dagger, dirk, stiletto, knife with a blade over three (3) inches in length, pocket knife opened by a mechanical device, iron bar, brass knuckles, any explosive, incendiary, poison gas, or other destructive device as more fully explained and prohibited by state and/or federal law.

   b. Weapons Free School Zone – means school property and a vehicle used by a school to transport students to or from school property.

   c. 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, except a building used primarily for adult education or college extension courses.

3. PROCEDURE

   a. Any student who possesses a "dangerous weapon" in a "weapon free school zone" or commits arson or rape in a school building or on school property shall be expelled from the school district permanently, subject only to possible reinstatement under paragraph 6 as set out below unless the student establishes in a clear manner at least one of the following:

      (1) The object or instrument possessed by the pupil was not possessed by the pupil 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 instrument possessed by the pupil constituted a dangerous weapon.

(4) The weapon was possessed by the pupil at the suggestion, request, or direction of, or with the express permission of school or policy authorities.

b. The district will evaluate whether the student is handicapped, and if the student is handicapped, he/she shall be afforded all due process rights under federal and state law.

4. Any student expelled pursuant to this administrative regulation shall have entered on his/her permanent record that he or she has been expelled pursuant to the law and this administrative regulation of the Board. Students expelled from the district pursuant to MCLA 380.1311 shall not be eligible for enrollment in the district unless they have been reinstated pursuant to the act.

5. Students expelled pursuant to this administrative regulation shall be referred to the appropriate county department or social services or county community mental health agency within three (3) days. The individual's parents, guardian, and/or the emancipated individual himself/herself will be notified of the referral. The superintendent or his/her designee shall also notify the appropriate law enforcement agency if the expulsion is for possession of a dangerous weapon.

6. REINSTATEMENT

a. The parent, legal guardian, or emancipated expelled individual may petition the Board of Education for reinstatement. The Board of Education will provide all due process rights to reinstatement as outlined in the law.

(1) For students in grade five (5) or below at the time of the expulsion, the student, parent, or guardian may initiate a petition for reinstatement at any time after the expiration of 60 school days after the expulsion. For a student who was in grade six (6) or above at the time of expulsion, the petition for reinstatement may be initiated after the expiration of 150 school days after the date of expulsion.

(2) Students who were in grade five (5) or below at the time of the expulsion shall not be reinstated before the expiration of 90 school days after the date of expulsion. Students who were in grade six (6) or above at the time of the expulsion shall not be reinstated before the expiration of 180 school days after the date of expulsion.
b. It is the responsibility of the student, parent, or guardian to prepare and submit the petition. The district is not required to provide any assistance in preparing the petition. Upon request, the district shall make available a form for a petition.

c. Once the Board of Education receives a petition, the Board of Education shall appoint a committee within ten (10) days to review the petition. The committee shall consist of:

(1) Two school Board members
(2) One school administrator
(3) One teacher
(4) One parent or a pupil in the district

d. Not later than ten (10) days after the committee is appointed, it shall complete its review of all relevant information and shall submit a recommendation to the school Board. The recommendation shall be one of the following:

(1) Unconditional reinstatement
(2) Conditional reinstatement
(3) Against reinstatement

e. The superintendent of schools may prepare and submit for consideration, by the committee, information concerning the circumstances of the expulsion and any factors mitigating for or against reinstatement. The recommendation shall be accompanied by an explanation of the committee's decision and shall be based on the following:

(1) The extent to which reinstatement of the individual would create a risk of harm to pupils or school personnel
(2) The extent to which reinstatement of the individual 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 the expulsion and the prospects for remediation of the individual.

f. If the petition was filed by a parent or legal guardian, the degree of cooperation and support that has been provided by the parent or legal guardian and that can be expected if the individual is reinstated, including, but not limited to, receptiveness toward possible conditions placed on the reinstatement.

7. At the next regularly scheduled Board meeting, the Board of Education shall make a decision on reinstatement. The decision of the Board shall be final.

8. This administrative regulation is meant for illustrative purposes only, and any additional rights or duties provided by law, which inure either to the Board of Education and/or the expelled student, are preserved.

B. FACSIMILE WEAPONS

1. The following procedures will serve to implement the Board policy concerning possession of a facsimile (look alike) weapon in a weapon free school zone.

2. Any facsimile weapon found in the possession of a student in a "weapon free school zone" shall be immediately confiscated.

3. Students who possess a facsimile weapon in a weapon free school zone subject themselves to discipline up to and including expulsion from school.

4. The principal of the program, after consultation with the director of the department, shall make a recommendation to the superintendent concerning the degree of discipline to be imposed. The superintendent shall make the final determination of the level of discipline.

5. If the student who is in possession of a facsimile weapon is expelled, he/she shall have all the rights, duties, and obligations as more fully spelled out under A., above, sections 3 through 8. All other discipline shall follow the procedures established in the student handbook, Board policy, or state and federal law, whichever is applicable.

ADMINISTRATIVE REGULATION

Approved: December 20, 1994