

## WEAPONS IN SCHOOL

JICI-R

In accordance with the Seaford School District policy on weapons in school, the principal of each school (or his/her designee) shall comply with the intent of the policy through the following:

### A. Definitions

1. "Dangerous instrument" means any instrument, article, or substance which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury.
2. "Deadly weapon" means any weapon including but not limited to a pistol, a rifle, a knife of any sort that is brought to school by a student and which has a blade that is longer than three inches, a billy, a blackjack, a bludgeon, metal knuckles, a slingshot, a razor, a bicycle chain or an ice pick.
3. Additional Clarifications
  - a. The above definitions shall apply whether the dangerous instrument/deadly weapon is operational (i.e., in working condition) or not.
  - b. Look-alikes: The above definitions shall apply to items that look like/give the appearance of being dangerous instruments/deadly weapons and therefore have the potential to cause alarm or, in fact, do cause alarm.
  - c. Police officials and relevant portions of Delaware Code will be utilized to distinguish between dangerous instruments and deadly weapons.
4. Firearm (as defined in Section 921 of Title 18, United States Code) means:
  - a. 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;
  - b. the frame or receiver of any such weapon;
  - c. any firearm muffler or firearm silencer;
  - d. any "destructive device". Such term does not include an antique firearm.
5. Destructive device (as defined in Section 921 of Title 18, United States Code) means:
  - a. any 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) device similar to any of the devices described in the preceding clauses
  - b. any type of weapon (other than a shotgun or a shotgun shell) which is generally recognized as particularly suitable for sporting purposes) by whatever name known which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and
  - c. any combination of parts either designed or intended for use in converting any device into any destructive device described in subparagraph (a) or (b) and from which a destructive device may be readily assembled.

The term "destructive device" shall not include any device which is neither designed nor redesigned for use as a weapon.

### B. Prohibited Acts

It shall be a violation of this regulation for a student to possess, use, or threaten to use any dangerous instrument, deadly weapon, firearm, or destructive device in any school, on school property, in any school bus or school vehicle, in any private vehicle on school property, or at any school-sponsored activity. Students who violate any portion of this regulation shall be subject to disciplinary action. (See section "G. Discipline")

### C. Prevention

1. Students and parents are to be informed at the beginning of the school year and whenever a student enters the school during the school year of the consequences of bringing to or

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- possession in the school environment a dangerous instrument or deadly weapon (including a firearm and/or a destructive device).
2. Counseling of students is to occur via developmental guidance classes at the elementary level and via advisor/advisee classes at the secondary level.
- D. Interrogations and Searches
1. General  
These shall be conducted in accordance with school board policy and regulations (JIH and JIH-R).
  2. Searches of a student's pockets and effects may be conducted by school officials whenever there is reasonable suspicion that a student has violated (or is violating) a law, or a school board policy or regulation, or a school rule. The Fourth Amendment's prohibition of unreasonable searches and seizures applies to searches of students by public school officials. The test for determining the legality of a search of a student's pockets and effects by a school official is the reasonableness standard. The school officials must have reasonable suspicion to believe that the search will turn up evidence that the student has violated or is violating either the law, or a school board policy or regulation, or a school rule or regulation. In addition, the search itself must be reasonable. The scope and manner of the search must reasonably relate to the objectives of the search and must not be excessively intrusive in light of the age and sex of the student and the nature of the infraction.
  3. Student Lockers
    - a. Student lockers are the property of the school and may be subjected to search.
    - b. Reasonable suspicion of a student's possession of a dangerous instrument or a deadly weapon may result in the student's locker being opened to look for such items.
  4. Student Motor Vehicles
    - a. Student motor vehicle use to and in the school environment is a privilege which may be extended by school districts to students in exchange for their cooperation in the maintenance of a safe school atmosphere.
    - b. Reasonable suspicion of a student's possession of a dangerous instrument or a deadly weapon may result in the student being asked to open the vehicle to permit school authorities to look for such items.
    - c. Failure to open any part of the vehicle on the request of school authorities may result in the police being called to conduct a search, and will result in loss of privilege to bring the vehicle on campus.
- E. Reporting of Incidents
1. Any violation of this policy and regulation is to be immediately reported to the school principal or designee.
  2. At all times, the student's due process rights and confidentiality are to be respected. The principal or designee is to act in accordance with the school board policy and regulation on "Student Discipline".
  3. The principal or designee is to make an effort to verbally notify the student's parents/guardians (either via telephone or at a conference) of the violation. In addition, the principal or designee must notify the student's parents/guardians in writing of the violation.
  4. The principal or designee, following the procedures specified in Delaware Law [14 Delaware Code, Subsection 4112(C)], shall report any violation of this policy and regulation to the superintendent and through the superintendent to the Department of Education. Further, the principal or designee shall report any violation of this policy and regulation to the police.
- F. Prosecution of Violations of Weapons in School Policy and Regulation  
This shall be in accordance with the school board policy and regulation on "Student Discipline".
- G. Discipline
1. Disciplinary actions are to be in accordance with written school disciplinary codes and shall include, but not be limited to:
    - Police notification

- Parent notification
  - Suspension and, as appropriate, recommendation for expulsion
  - Filing of charges
2. A student who brings a firearm (as defined in Section 921 of Title 18, United States Code) to school shall be expelled from school for a period of time not less than 180 school days.
  3. Student possession of dangerous instruments or deadly weapons requires reporting to the State Department of Education and the appropriate police authorities. [14 Delaware Code, §4112(C)]
  4.
    - a. The disciplinary actions listed above are to extend to all students including identified handicapped students unless it is indicated in the Individual Educational Plan (IEP) that the student has been exempted because the violation is being caused by the handicapped condition or because the violation is the result of an improper placement or program. (In either instance, see Exhibit JK-E [“Student Discipline”] from the state’s publication *The Administrative Manual for Special Education Services*, Section G, Discipline Procedures, pp. 88-101.) Such a determination is to be made prior to any disciplinary action being taken or any change of placement being made.
    - b. In administering this regulation, consideration may be given to the student’s age and/or grade level.
- H. Counseling  
Counseling shall be provided to students who bring dangerous instruments, and/or deadly weapons, and/or look-alikes to the school environment.
- I. Re-Entering of Expelled Students  
An expelled student may re-enter school at the end of the period of expulsion by applying to the school principal and adhering to a behavior contingency contract mutually agreed upon by the principal, the student, and his/her parents/guardians.

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