

POLICY

SOMERSET COUNTY
BOARD OF EDUCATION

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Subject: Dangerous Weapons/ Instruments in School	Date Approved: August 21, 1990 July 20, 2004 February 21, 2006 March 17, 2009 August 19, 2014 Date Revised: December 15, 1992 May 15, 2001 July 20, 2004 November 1, 2008 February 17, 2009 August 19, 2014 Date Effective: December 15, 1992 May 15, 2001 July 20, 2004 February 21, 2006 March 17, 2009 August 19, 2014

1. PURPOSE

To define dangerous weapons/instruments and to establish guidelines for dealing with dangerous weapons/instruments in schools.

2. GUIDELINES

A. No student shall bring or possess, use or threaten to use any weapon, dangerous instrument, or gas, or imitation thereof, all as hereinafter defined, on school grounds, in school buildings or Board of Education vehicles or at any school-related or school-sponsored activity away from school facilities.

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- B. The principal may authorize persons to display weapons that are registered, lawfully stored and handled in a legal manner for the purpose of education. It shall be the sole prerogative of the principal to prescribe any special conditions or procedures to be followed or requirements to be met before giving such authorization.
- C. For purposes of this policy, weapons and dangerous instruments shall include, but are not limited to:
- (1) Firearms - pistols, revolvers, shotguns, rifles, zip guns and any other device capable of propelling a projectile and ammunition for same.
 - (2) Cutting and puncturing devices - dirks, daggers, all knives and razors. First offenses with a "normal and customary" pocket knife involving simple possession (e.g., not used or intended to be used in a threatening or offensive manner) may be considered a minor offense. The age and development level of the student should be taken in consideration.
 - (3) Explosive and/or incendiary devices - pipe bombs, time bombs, cap guns, containers of inflammable fluids, tear gas, pepper gas, mace, and other hazardous devices.
 - (4) Any other dangerous device, instrument or weapon, including a blackjack, slingshot, billy club, nunchaku, metal knuckles or any metal plate or other object of any type or description designed to be used as a weapon.
 - (5) Imitation weapons - any device, not inherently dangerous in and of itself, designed or utilized for the purpose of imitating or appearing to be a weapon or dangerous instrumentality as defined in numbers 1 through 4 above.
 - (6) Any other device capable of inflicting grievous or serious bodily harm which, although not initially designed to be utilized as a weapon, is utilized as a weapon and/or for the purposes of committing an assault or battery, or threatening the physical well-being of another individual such as a baseball bat, a tire iron or any other object when utilized as herein defined.
- D. Upon becoming aware that any person has such a weapon or dangerous device under his/her control on school property or at a school function, it shall be the duty of any employee or agent of the Somerset County Board of Education to report such information to the building principal or person in charge of the activity immediately. The employee should submit a written report to the appropriate school official listing the name(s) of the person(s) involved, witnesses, location and circumstances of the incident.

The building principal and/or activity supervisor shall:

- (1) have responsibility for the implementation of this policy.

- (2) take such action as is appropriate, including the enlisting of the support and assistance of law enforcement agencies and shall take reasonable steps to minimize the danger to the health, safety and well-being of students, teachers and administrators; but nothing herein contained shall require any school administrator or employee to subject himself to personal danger for the purpose of carrying out this policy.
 - (3) report all violations of this policy to the Superintendent of Schools, the designated central office staff and the appropriate law enforcement agency.
- E. Any student determined to be in violation of the herein policy shall be subject to appropriate prosecution under Annotated Code of Maryland, Article 27, Section 36A, and all other applicable law, statute, by-law and regulation.
- F. Any student enrolled in Somerset County Public Schools found in violation of said policy will also be subject to severe disciplinary action which may include suspension and expulsion from the public schools of Somerset County.
- G. A student who brings or possesses a firearm onto school property or at a school-sponsored activity will receive a mandatory recommendation for expulsion for a minimum of one year, as described in United States Code of Law Title 18 Section 921. A firearm includes handguns, rifle, bomb, starter pistol, grenade, rocket, and missile.
- H. The superintendent may specify in writing, on a case-by-case basis, a shorter period of expulsion or an alternative educational setting, if alternative educational settings have been approved by the local board, for a student who has brought a firearm onto school property or to a school sponsored activity or has possessed a firearm on school property or at a school-sponsored activity. SCPS provides the excluded student with comparable education services and appropriate behavioral support services to promote successful return to the student's academic program.
- I. A student with disabilities who brings or possesses a firearm or dangerous weapon on school property or to a school sponsored activity may be suspended or expelled in accordance with the procedures set out in Educational Article, §7-305, Annotated Code of Maryland, and COMAR 13A.08.03.
 - (1) A student with a disability may be removed for more than 10 school days at a time for a violation of school rules, to the same extent removal is applied to students without disabilities, if the student's IEP team determines the behavior subject to the removal is not a manifestation of the student's disability. If the violation of school rules is not a manifestation of the student's disability, the student may be removed, but the student must continue to receive educational services in another setting, and receive, as appropriate, an Functional Behavioral Assessment (FBA) and a Behavioral Intervention Plan (BIP), or modifications to an existing BIP, designed to address the behavioral violation and to prevent its recurrence (COMAR 13A.08.03.03B(4) – (5)).
 - (2) When these removals (10 days or less at one time) accumulate to more than 10 days in a school year, school personnel determine the extent of services needed to enable

- the student to progress in a general curriculum towards the IEP goals.
- (3) On the date a student with a disability is removed from the student's current placement for a violation of a code of student conduct, for more than 10 consecutive days or a change of placement, school personnel shall notify the parents of the decision and provide the parents with the procedural safeguards notice.
 - (4) Change of placement includes removal for more than 10 consecutive days or a series of removals that constitute a pattern.
 - (5) Within 10 school days of any decision to change the placement, the IEP team must review all relevant information in the students' file, any teacher observation and any relevant information provided by the parents to determine:

If the conduct was caused by or had a direct and substantial relationship to the student's disability or;

If the conduct in question was the direct result of the public agency's failure to implement the IEP.

- (6) If the IEP team determines that either of the above statements is applicable for the student, the conduct shall be determined to be a manifestation of the student's disability.
- (7) If the conduct was a manifestation of the student's disability, the IEP team must:
 - Conduct a functional behavioral assessment and a behavioral intervention plan for the student, if the school had not previously done so;
 - In the situation where a behavior intervention plan has been developed, review the behavior intervention plan and modify it, as necessary to address the behavior; and
 - Return the student to the placement from which the student was removed, unless the parent and the school agree to a change of placement as part of the modification of the behavior intervention plan, except when the student has been removed to an interim alternative education setting for up to 45 days for drugs, weapon, or serious bodily injury.

3. Administrative Procedures

Annually by August 1, the superintendent shall provide the State Board of Education with a report that includes:

- A. Written certification that the school system is in compliance with the requirements of COMAR 13A.08.01.12-1;
- B. A description of the circumstances surrounding any expulsions imposed under the state law as required by § 2G;
- C. The number of incidents in which a student brought a firearm onto school property or to a school-sponsored activity or possessed a firearm on school property or at a school-sponsored activity;
- D. The name of the school where each incident took place;
- E. The type of firearm involved
The type of firearm involved;

- F. The disposition of each case, including the number of students expelled from each school and placed in alternative educational settings;
- G. A description of alternative settings used;

The superintendent or designee shall report each incident in which a student brings a firearm onto school property or to a school-sponsored activity or possesses a firearm on school property or at a school-sponsored activity to the appropriate law enforcement agency.