

DAILEY ELEMENTARY CHARTER SCHOOL

WEAPONS AND DANGEROUS INSTRUMENTS

The FICS Board desires students at school to be free from the fear and danger presented by firearms and other weapons.

Possession of Weapons

The Board prohibits any person other than authorized law enforcement or security personnel from possessing weapons, imitation firearms, or dangerous objects of any kind in school buildings, on school grounds or buses, or at any school related or school sponsored activity away from school or while going to or coming from school.

Under the power granted to the Board to maintain order and discipline in the schools and to protect the safety of students, staff and the public, any school employee is authorized to confiscate a weapon, dangerous instrument or imitation firearm are subject to suspension and/or expulsion in accordance with law, Board policy and administrative regulations.

(cf. 5006 - Suspension and Expulsion/Due Process)

The Executive Director or designee shall notify law enforcement authorities when any student possesses a weapon without permission or commits any act of assault with a firearm or other weapon. (20 USC 7151; Education Code 48902; Penal Code 245, 626.9, 626.10)

The Board encourages students to promptly report the presence of weapons, injurious objects or other suspicious activity to any school staff. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

Zero Tolerance

State and federal law requires the Executive Director or designee to immediately suspend and recommend for expulsion any student who brings a firearm to school. Unless the particular circumstances of a case indicate that expulsion is inappropriate, the school shall take similar action when students knowingly bring any other weapons to school to participate in any fighting that inflicts serious bodily injury on another person. In addition to a suspension and possible expulsion, these students shall be reported to law enforcement authorities for prosecution of Penal Code violations.

The Board hereby declares the district to have a zero tolerance policy on the possession of loaded or unloaded firearms, knives, explosive devices, other dangerous objects, the possession and/or sale of controlled substances or when a student causes, attempts to cause or threatens to cause

serious physical injury to another person or commits or attempts to commit sexual assault or battery.

This policy shall apply to all students in grades 4-5. Hereafter, any student who is found in possession of loaded or unloaded firearms, knives, explosive devices, other dangerous objects, the possession and/or sale of controlled substances, commits arson, or when a student causes, attempts to cause or threatens to cause serious physical injury to another person or commits or attempts to commit sexual assault or battery, shall be immediately suspended and recommended for expulsion, unless the particular circumstances of the case indicates that expulsion is inappropriate. No exception shall be made in the case of the possession of a loaded or unloaded firearm, the brandishing of a knife at school, or the sale of a controlled substance at school or the commission or attempted commission of sexual assault or battery, or possession of explosive devices.

In every case students who violate provisions of the Education Code and Penal Codes referenced by this policy will be referred to the law enforcement authorities.

Parent/guardians will be asked to sign the Illness and Accident Procedure Card acknowledging the receipt of the Zero Tolerance Notification in the Discipline Code.

Legal Reference:

EDUCATION CODE

35291 Governing board to prescribe rules for discipline of the schools
48900 Grounds for suspension/expulsion
48902 Notification of law enforcement authorities
48915 Required recommendation for expulsions
48916 Readmission
49330-49335 Injurious objects

PENAL CODE

245 Assault with deadly weapon
417.4 Imitation firearm; drawing or exhibiting
626.9 Gun-Free School Zone Act of 1995
626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school or on school grounds; exception
653k Soliciting a minor to commit certain felonies
12001 Control of deadly weapons
12020-12036 Unlawful carrying and possession of concealed weapons
12220 Unauthorized possession of a machine gun
12401 Tear gas
12402 Tear gas weapon
12403.7 Weapons approved for self defense

Board Policy #: 5007
Adopted/Ratified: January 14, 2014
Revision Date:

12555 Imitation firearms

UNITED STATES CODE, TITLE 20
6301-7941 No Child Left Behind Act, especially:
7151 Gun-Free Schools Act

Management Resources:

CDE COMMUNICATIONS
0401.01 Protecting Student Identification in Reporting Injurious Objects

CSBA PUBLICATIONS
911: A Manual for Schools and the Media During a Campus Crisis, 2001
Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999

WEB SITES
California Attorney General's Crime and Violence Prevention Center: <http://www.safestate.org>
California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss>
CSBA: <http://www.csba.org>
National Alliance for Safe Schools: <http://safeschools.org>
National School Safety Center: <http://www.nsscl.org>
U.S. Department of Education, Safe Schools:
<http://www.ed.gov/about/offices/list/osers/osep/gtss.html>