

# SCHOOL DISTRICT OF PITTSVILLE BOARD POLICY

## STUDENTS

### STUDENT RIGHTS AND RESPONSIBILITIES STUDENT CONDUCT WEAPONS

#### WEAPONS ON SCHOOL PREMISES

443.6

##### **Definition**

A weapon is any object that by its design and/or use can cause bodily injury or property damage. A weapon is also defined as any facsimile firearm such as a toy, starter pistol, or other object that can be perceived as an actual firearm. As used in this policy, the term "weapon" included, but is not necessarily limited to, the following:

1. any firearm, including a starter gun, whether loaded or unloaded, assembled or unassembled, partial or complete;
2. any bomb, explosive, or similar destructive device;
3. any device which is designed, used or intended to be used to immobilize or incapacitate persons by the use of electric current;
4. any bb or pellet-firing gun that expels a projectile through the force of air pressure;
5. any poisons or dangerous chemicals, including pepper spray;
6. any ammunition;
7. knives and other cutting instruments;
8. any device designed as a weapon and capable of producing death or great bodily harm;
9. any other object which, in the manner it is used or intended to be used, is calculated or likely to produce significant injury or bodily harm; or
10. any other device or object defined as a weapon by state or federal law.

##### **Weapons Prohibited**

No person shall possess, store, or use any destructive device, firearm or other dangerous weapon or look-alike weapon (the possession and use of facsimile firearms and/or facsimile dangerous weapons is also prohibited):

- in school or other buildings/facilities owned, occupied, or controlled by the District;
- on the school grounds or on other premises owned, occupied or controlled by the District (including recreation areas and athletic fields)"
- while under the supervision of a school district authority, regardless of the student's location;
- in district-owned or contracted vehicles or on any form of District-provided transportation; and/or
- while participating in or attending any District-sponsored program or event.

~~This includes, but is not limited to firearms/guns including BB and pellet firing guns (loaded or unloaded), firearm silencers, knives, razors, karate sticks, nunchaku, metal knuckles, chains, and similar items including laser beam pens or destructive devices such as explosives or fire bombs.~~

~~This prohibition does not apply to law enforcement officers discharging their official duties or military personnel who are armed in the line of duty.~~

## **Exceptions**

The building principal may allow weapons in the building for purposes of demonstration or educational presentations. This approval must be in writing and granted prior to the weapon being brought to the school. The weapon shall be maintained in the possession of the principal except during the actual demonstration or presentation.

The only exception to this policy is the possession and use of a facsimile firearm/weapon in a school-approved activity as authorized by the building principal or designee. This policy is not intended to prohibit the possession or use of potentially dangerous objects not designed primarily as weapons, provided that such objects have been issued or expressly authorized by the District, and provided that such objects are possessed and used exclusively for their limited and authorized purpose.

## **Violations**

~~Any student violating this policy shall be subject to penalties outlined in state and federal law including mandatory expulsion from school. Weapons will be confiscated by the District.~~

Students violating this policy shall be referred to law enforcement officials and be subject to school disciplinary action, up to and including suspension and expulsion, in accordance with established procedures. Referral to law enforcement is not required for violations involving solely a facsimile firearm/weapon where there was no attempt to threaten, harass, intimidate or harm another person.

~~Employees violating this policy shall be disciplined in accordance with employee policies and agreements and referred to law enforcement officials for prosecution.~~

~~Any other person violating this policy shall be referred to law enforcement officials for prosecution.~~

Law enforcement officers will be summoned contacted to the schools in a situation involving a weapon which presents an immediate threat to safety. If the situation does not allow an opportunity to contact law enforcement officials immediately, school staff and administration shall attempt to diffuse and control the situation in the safest manner possible until law enforcement officials can be summoned. Appropriate information and training shall be provided to staff in dealing with weapons situations in accordance with the school safety plan.

## **Notice**

Students shall be informed of this policy annually through the student handbook and through any other means determined appropriate by the administration.

## **Legal References:**

### **Wisconsin Statutes**

<a href="#">Section 118.07</a>	[school safety plans]
<a href="#">Section 118.31</a>	[use of reasonable force to obtain weapons]
<a href="#">Section 120.13(1)</a>	[board authority for rule-making and for suspension and expulsion]
<a href="#">Section 120.13(1)(bm)</a>	[state law suspension mandate for possession of a firearm]
<a href="#">Section 120.13(1)(c)2m</a>	[state law expulsion mandate for possession of a firearm]
<a href="#">Section 120.13(1)(g)</a>	[board authority to modify expulsion mandate on case-by-case basis]
<a href="#">Section 943.13</a>	[criminal trespass law, includes provisions related to carrying firearms]
<a href="#">Section 948.60</a>	[possession of a dangerous weapon under 18 years of age]
<a href="#">Section 948.605</a>	[gun-free schools zones]
<a href="#">Section 948.61</a>	[dangerous weapons other than firearms on school premises]

### **Federal Laws**

<a href="#">Gun-Free Schools Act</a>	[student possession of firearms prohibited; student referral to law enforcement/juvenile justice system required in policy]
<a href="#">18 U.S.C Sec. 921(a)</a>	[federal definition of "firearm" (including destructive devices) that is used within the Gun-

Free Schools Act and within state law governing suspensions/expulsions for firearms –  
section 120.13(1)(c)(2m)]

Individuals with Disabilities Education Act [programs and services for students with disabilities; includes authority  
to order change of placement for weapons possession]

*Cross References: ~~Wise. State Statute 120.13(1), 939.22(10), 948.60, 948.61~~*  
*~~Gun Free School Act 1994~~*

*Updated: February 11, 2013*

*First Reading Update: October 10, 2016*



**SCHOOL DISTRICT OF PITTSVILLE  
BOARD POLICY**

## **PERSONNEL**

### **GENERAL PERSONNEL POLICIES - STAFF CONDUCT**

#### **STAFF USE AND POSSESSION OF WEAPONS**

522.9

No employee of the Pittsville School District shall possess or use any destructive device, firearm or other dangerous weapon (as defined under section 948.61 of the state statutes) of any kind, whether concealed or not concealed, at any time:

- in any school or other building/facility that is owned, occupied or controlled by the District;
- on the grounds of a school or on other school premises;
- in any District-owned vehicle or on any form of District-provided transportation;
- at school-related activities; or
- when acting within the scope of his/her employment.

The only exceptions to this policy are where state law prohibits a school district from restricting an employee's right to possess a firearm or other dangerous weapon in a location covered by this policy (e.g., an employee holding a valid license to carry a concealed weapon has limited rights to store a licensed weapon in his/her own vehicle, which rights are further restricted when the vehicle is located on school grounds). This policy is not intended to prohibit the possession or use of potentially dangerous objects not designed primarily as weapons, provided that such objects have been issued or expressly authorized by the District, and provided that such objects are possessed and used exclusively for their limited and authorized purpose. It is also understood that school administrators and employees may sometimes have a need to temporarily take possession of a firearm or other weapon that is present in a school environment in order to address a violation of law or policy and to protect the health and safety of others. Temporary possession of a firearm/weapon under such circumstances shall be considered authorized and shall not be considered a violation of this policy. In such circumstances, the firearm/weapon should be stored in a secure manner until it can be safely turned over to law enforcement or other appropriate party at the earliest reasonable opportunity.

Law enforcement officers should be contacted to help deal with a weapons situation which presents an immediate threat to safety. If the situation does not allow an opportunity to contact law enforcement officials immediately, school staff shall attempt to diffuse and control the situation in the safest manner possible until law enforcement officials can be summoned. Appropriate information and training shall be provided to staff in dealing with weapons situations in accordance with the school safety plan.

Employees violating this policy may be subject to disciplinary action up to and including termination of employment, and may be referred to law enforcement officials for possible prosecution under applicable laws or ordinances.

This policy shall be published in employee handbooks.

#### **LEGAL REFERENCES:**

##### **Wisconsin Statutes**

<u>Section 118.07</u>	[school safety plans]
<u>Section 120.13(1)</u>	[board authority for rule-making]
<u>Section 175.60</u>	[license to carry a concealed weapon]
<u>Section 941.23</u>	[carrying a concealed weapon]
<u>Section 943.13</u>	[criminal trespass law, includes provisions related to carrying firearms]
<u>Section 948.605</u>	[gun-free schools zones]
<u>Section 948.61</u>	[dangerous weapons other than firearms on school premises]

*First Reading: October 10, 2016*

*Second Reading/Adoption:*



**SCHOOL DISTRICT OF PITTSVILLE  
BOARD POLICY**

**SCHOOL-COMMUNITY RELATIONS**

**USE OF SCHOOL FACILITIES AND GROUNDS**

**WEAPONS ON SCHOOL PREMISES**

832

No person shall possess, store, or use a destructive device, firearm, or other dangerous weapon ~~or look-alike weapon in school buildings, on school premises, in district-owned or contracted vehicles, or at any school-sponsored function or event. (This prohibition does not apply to law enforcement officers discharging their official duties or military personnel who are armed in the line of duty.)~~ (as defined under section 948.61 of the state statutes) of any kind, whether concealed or not concealed, at any time:

- in any school or other building/facility that is owned, occupied or controlled by the District;
- on the grounds of a school or on other school premises; or
- at any District-sponsored program or activity not held on school grounds or on school premises, where such program or activity qualifies as a special event having restricted access that is controlled by the District.

The only exceptions to this policy are: (1) the lawful possession of an agency-authorized firearm or other weapon by a law enforcement officer or a state-certified commission warden who is acting in his/her official capacity; (2) the possession of a properly-licensed firearm by any qualified current law enforcement officer who is off duty or by any qualified former law enforcement officer, provided that the individual meets all applicable conditions specified in the state and federal gun-free school zone laws; and (3) where state law prohibits a school district from restricting any individual's right to possess a firearm or other dangerous weapon in a location covered by this policy. Nothing in this policy is intended to prohibit the possession or use of potentially dangerous objects or substances that are not designed primarily for use as a weapon (e.g., certain equipment and tools), provided that such objects or substances have been issued or authorized by the District, and provided that such objects or substances are possessed and used exclusively for their limited and authorized purpose(s).

Law enforcement officers should be contacted to help deal with a weapons situation which presents an immediate threat to safety. If the situation does not allow an opportunity to contact law enforcement officials immediately, school staff shall attempt to diffuse and control the situation in the safest manner possible until law enforcement officials can be summoned. Appropriate information and training shall be provided to staff in dealing with weapons situations in accordance with the school safety plan.

Anyone violating this policy shall be asked to leave and remove the weapon from the premises, activity, or event and/or may be referred to law enforcement officials for possible prosecution under applicable laws or ordinances.

Public notice of the prohibitions established by this policy shall be provided through appropriate signage or other types of notice as determined appropriate by the administration, consistent with any applicable legal requirements.

~~The building principal may allow weapons in the building for purposes of demonstration or educational presentations. This approval must be in writing and granted prior to the weapon being brought to the school. The weapon shall be maintained in the possession of the principal except during the actual demonstration or presentation.~~

~~A weapon is any object that by its design and/or use can cause bodily injury or property damage. This includes, but is not limited to firearms/guns including BB and pellet firing guns (loaded or unloaded), firearm silencers, knives, razors, karate sticks, nunchaku, metal knuckles, chains, and similar items including laser beam pens or destructive devices such as explosives or fire bombs. A weapon is also defined as any facsimile firearm such as a toy, starter pistol, or other object that can be perceived as an actual firearm.~~

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~~Law enforcement officers will be summoned to the schools in a situation involving a weapon which presents an immediate threat to safety. If the situation does not allow an opportunity to contact law enforcement officials immediately, school staff and administration shall attempt to diffuse and control the situation until law enforcement officials can be summoned.~~

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<u>Section 948.61</u>	[dangerous weapons other than firearms on school premises]

*Reviewed: May 13, 2013*  
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