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WEAPONS IN SCHOOL

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Violent behavior and the use of weapons in schools and at school-related activities or events is a matter of increasing concern across the country and in this district. Accordingly, the Board of Education hereby reaffirms its position that violence and weapons have no place in educational environments of Aurora Public Schools. To address this serious problem, the Board of Education directs that, without exception, any student of this district who is involved in a weapons offense as outlined below shall be disciplined as provided in this policy. This policy shall be in effect in all schools in the district, from kindergarten through high school, and shall apply to all other programs including preschool, post-secondary and T.H. Pickens Technical College.

An exception to this policy may be made by obtaining prior permission of the site administrator for students participating in an authorized program involving the use of dangerous weapons or firearm facsimiles that could reasonably be mistaken for actual firearms. In this instance, specific advanced arrangements must be made with the administrator for the bringing, storing, demonstration during the authorized program, and return of the dangerous weapon to the parent/guardian. A student's failure to obtain such prior authorization is a violation of this policy provision and may result in disciplinary action, including but not limited to suspension or expulsion.

School administrators shall consider violations of this policy provision on a case-by-case basis to determine whether suspension, expulsion or any other disciplinary action is appropriate based upon the individual facts and circumstances involved.

DEFINITIONS

A. Dangerous Weapon:

1. A firearm, as defined in section 18 U.S.C. sec 921 (a)(3), is (A) any weapon (including 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; or (D) any destructive

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device. Such term does not include an antique firearm.

2. Any pellet or “BB” gun or other device, whether operational or not, designed to propel projectiles by spring action or compressed air;
3. Knives
 - a. any fixed-blade knife with a blade that measures longer than three inches; or
 - b. a spring-loaded or pocketknife with a blade that measures longer than three and one-half inches; or
4. Any object, device, instrument, material or substance, whether animate or inanimate, used or intended to be used to inflict death or serious bodily injury including but not limited to bludgeon, brass knuckles or artificial knuckles of any kind.

B. Firearm Facsimile

Carrying, using, actively displaying, or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm in a school building or in or on school property. This charge does not include a student carrying, bringing, using, or possessing a firearm facsimile on school property for either a school-related or a non-school-related activity with prior authorization of school principal/designee.

C. Weapon:

Bringing, possessing, using an item, other than an item classified as a “dangerous weapon,” whose intended purpose is to harm or injure another. Examples of weapons include:

1. knives which are not considered “dangerous weapons” by definition;

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2. nunchakus;
3. Chinese stars;
4. slingshots.

D. Ordinary Item as a Weapon:

Bringing, possessing, using an everyday item whose intended purpose is not normally to inflict harm on a person, that is used to threaten, intimidate, frighten or injure another. Examples of such items may include:

1. padlocks on ropes, strings, chains, etc.;
2. baseball and softball bats, sticks, pipes and clubs;
3. chemicals, including mace, pepper gas, tear gas, etc.;
4. lighters;
5. shoes, especially military-style boots;
6. rocks, bottles, pop cans.

E. Serious Bodily Injury:

Bodily injury which, at the time of the actual injury or at a later time, involves a substantial risk of death, a substantial risk of serious permanent disfigurement or a substantial risk of protracted loss or impairment of the function of any part or organ of the body, or of breaks, fractures or burns of the second or third degree.

OFFENSES

- A.** Striking another person with a dangerous weapon, a weapon, or an ordinary item which is being used as a weapon at any school, on district property, in district vehicles, at school-related activities, or under circumstances where the behavior will have a negative impact on the educational mission of the school.

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- B.** Possessing a dangerous weapon at any school, on district property, in district vehicles, at school-related activities, or under circumstances where the behavior will have a negative impact on the educational mission of the school.
- C.** Threatening, intimidating, frightening another person or attempting to strike another person with a dangerous weapon, a weapon or an ordinary item which is being used as a weapon at any school, on district property, in district vehicles, at school-related activities, or under circumstances where the behavior will have a negative impact on the educational mission of the school.

CONSEQUENCES

A. Dangerous Weapons:

Where the student is found to be carrying, bringing, using or possessing a firearm at any school, on district property, in district vehicles, or at school-related activities, consistent with federal law, expulsion shall be for no less than one full calendar year (365 days). However, the Superintendent may decrease the length of such expulsion to as little as an expulsion for the remainder of the school year where he believes it to be appropriate. Any such modification must be in writing. (For purposes of this paragraph only, the term "firearm" shall have the meaning assigned to it by federal law [18 U.S.C. 921 (a)(3)] which includes [1] any device, whether loaded or unloaded, which is designed to expel a projectile by the action of an explosive; [2] any explosive or incendiary device such as a bomb, grenade, missile, etc.). All violators shall be reported to the Aurora Police Department.

Carrying, using, actively displaying or threatening with the use of a firearm facsimile that could reasonably be mistaken for an actual firearm is prohibited in a school building or in or on school property. Students who violate this policy provision may be subject to disciplinary action including but not limited to suspension or expulsion.

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If a student inadvertently brings a dangerous weapon to school, and upon realizing the mistake promptly brings it to the attention of a teacher, administrator or other employee authorized by the school and delivers the dangerous weapon to an authorized person as soon as possible, then expulsion is not mandatory and such action shall be considered in determining what disciplinary action, if any, should be taken.

B. Weapons/Ordinary Items used as Weapons:

In the case of weapons/ordinary items used as weapons, offenses which do not involve firearms, consequences and referrals to the Aurora Police Department shall be determined by considering factors such as:

1. The age of the student;
2. The disciplinary history of the student;
3. Whether the student has a disability;
4. The seriousness of the violation committed by the student;
5. Whether the violation committed by the student threatened the safety of any student or staff member; and
6. Whether a lesser intervention would properly address the violation committed by the student.

DUE PROCESS

The due process procedures found in the District's policy JKD-JKE relating to suspension and expulsion of a student shall also apply to weapons offenses. Consequently, the due process checklist found in that policy is to be completed and a student shall have the right to contest the recommended disciplinary action. The student's right to contest the recommended action shall be limited to arguing that the facts of the case do not fit the definition of "offense" under this policy. If the hearing officer or Board of Education finds that an "offense" has been committed, the discipline outlined in this policy shall be imposed.

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This weapons policy shall be explained to all students at the beginning of each school year and upon the registration of new students. In addition, this policy shall be sent home to all parents/guardians each school year in some fashion, for example by being made a part of school handbooks, calendars, or the district safe schools booklet. In addition, this policy shall be made available on the district website at <http://aurorak12.org/about-aps/district-policies/>.

NOTE: The fact that a situation is not covered by this policy does not prevent discipline from being imposed or recommended under policy JKD/JKE.

LEGAL REFS: 18 U.S.C. §921 (a)(3) (federal definition of “firearm”
20 U.S.C. §7151 (Gun-Free Schools Act)
20 U.S.C. §7151 (h) (requiring schools to have policies requiring referral to law enforcement)
C.R.S. 22-32-109.1(2)(a)(I)(G)(policy required as part of safe schools plan)
C.R.S. 22-33-102 (4) (definition of dangerous weapon)
C.R.S. 22-33-106 (1) (grounds for suspension, expulsion, denial of admission)
C.R.S. 22-33-106 (1)(f) (must adopt a policy regarding firearm facsimiles)

CROSS REFS.: JK.3, Discipline of Students with Disabilities
JKD/JKE, Suspension/Expulsion of Students
KFA, Public Conduct on School Property
KLG, Relations with Law Enforcement Agencies