

MITCH CHARTER SCHOOL
Weapons Policy

No student shall bring, possess, conceal or use a weapon on or at school property, or activities under the jurisdiction of the school.

For purposes of this policy, and as defined by state and federal law, weapon includes:

1. “Dangerous weapon” – any weapon, device, instrument, material 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” – any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. “Firearm” – 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, including the frame or receiver of any such weapon or any firearm silencer;
4. “Destructive device” – any device with an explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device which is designed primarily or redesigned primarily for use as a signaling, pyrotechnic, line throwing, safety or similar device.

Weapons may also include, but not be limited to, knives, metal knuckles, straight razors, noxious or irritating gases, poisons, unlawful drugs or other items fashioned with the intent to use, sell, harm, threaten or harass students, staff members, parents and patrons.

Replicas of weapons, fireworks and pocket knives are also prohibited by Board policy.

Exceptions to the replicas prohibition may be granted only with prior Executive Director approval for certain curriculum or school-related activities.

Prohibited weapons, replicas of weapons, fireworks and pocket knives are subject to seizure or forfeiture.

In accordance with Oregon law, any employee who has reasonable cause to believe a student or other person has, within the previous 120 days, unlawfully been in possession of a firearm or destructive device as defined by this policy, shall immediately report such violation to an administrator, his/her designee, or law enforcement. Employees who report directly to law enforcement shall also immediately inform an administrator.

Administrators shall promptly notify the appropriate law enforcement agency of staff reports received and at any other time there is reasonable cause to believe violations have occurred or

that a student has been expelled for bringing, possessing, concealing or using a dangerous or deadly weapon, firearm or destructive device. Families will be notified of all conduct by their student that violates this policy.

Employees shall promptly report all other conduct prohibited by this policy to the Executive Director.

Students found to have violated the school's zero-tolerance weapons policy shall be expelled for a period of not less than one year. Students found to have brought, possessed, concealed or used a dangerous or deadly weapon, firearm or destructive device in violation of this policy shall be expelled for a period of not less than one year.

All other violations of the policy will result in discipline up to and including expulsion and/or referral to law enforcement, as appropriate. The Executive Director may, on a case-by-case basis, modify this expulsion requirement.

Appropriate disciplinary and/or legal action will be taken against students or others who assist in activity prohibited by this policy.

Weapons under the control of law enforcement personnel are permitted.

This policy shall apply to students during any school program or activity, whether such program or activity occurs on school property or at any other off site location.

In accordance with the federal Gun-Free School Zone Act, possession or discharge of a firearm in a school zone is prohibited. A "school zone," as defined by federal law, means in or on school grounds or within 1,000 feet of school grounds.

"Gun-Free School Zone" signs may be posted in cooperation with city and/or county officials as appropriate. Violations, unless otherwise excepted by law or this policy, shall be reported to the appropriate law enforcement agency.

END OF POLICY

Legal Reference(s): ORS 161.015; ORS 166.210 - 166.370; ORS 166.382; ORS 332.107;

ORS 339.115; ORS 339.240; ORS 339.250; ORS 339.260; ORS 339.315; ORS 339.327;

ORS 809.060; ORS 809.260; OAR 581-021-0050 to- 0075; OAR 581-053-0010 (5);

OAR 581-053-0015 (7)(k); OAR 581-053-0545 (4)(c),(w); OAR 581-053-0550 (5)(y);

Gun-Free School Zones Act of 1990, 18 U.S.C. Sections 921(a)(25), (26) and 922(q); as amended by P.L. 104 -208, Section 101(f) (1996) and P.L. 103322, Section 320904 (1994).

Education of the Handicapped Act of 1975, as amended, 20 U.S.C. Sections 1400 -1427, as amended and renamed Individuals with Disabilities Education Act (IDEA), P.L. 101 -476, 104 Stat 1103 (1990), as amended P.L. 105-17 (1997). [P.L. 94 -142 is a well-known "short" reference to this federal legislation.]

Youth Handgun Safety Act, 18 U.S.C. Sections 922(x) and 924(a)(6).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. Sections 7101-7117