



## **SECTION IV: STUDENTS**

## **POLICY 4230**

### **POSSESSION OF WEAPONS, ALCOHOL, AND/OR CONTROLLED SUBSTANCES/ILLEGAL DRUGS IN SCHOOL**

In order to provide a safe environment for the students and staff of the Broken Arrow School District, the Board of Education adopts this policy prohibiting the possession of weapons, alcohol, controlled substances, illegal drugs and replicas or facsimiles of dangerous weapons.

Weapons, including but not limited to firearms, alcohol, controlled substances and illegal drugs are a threat to the safety of the students and staff of the Broken Arrow School District. In addition, possession of weapons, alcohol, controlled substances or illegal drugs disrupts the educational process and interferes with the normal operation of the school district.

For the foregoing reasons and except as specifically provided below, possession of weapons, alcohol, controlled substances and illegal drugs, as defined in this policy, while at school, at a school-sponsored activity, in transit to or from a school-sponsored activity, or on a school vehicle, is prohibited.

For the purposes of this regulation, "School" includes all school district property, the entire school campus, parking lots, athletic fields, and district vehicles. "School" also includes off-district property when the student is on the property for the purpose of participating in a school or district-sponsored event or is participating in an event in which the student is representing the district. "School" covers any school bus or vehicle used for transportation of students or teachers, lodging and meal locations, event sites, and all other locations where a student is present while participating in or attending a district or school sponsored event. "School-sponsored activity" includes attendance at or participation in any district or school sponsored activity, function, or event, or any other event in which a school or district sponsored team or district student is participating as the representative of the district, regardless of whether the event is on district property or off district property.

Any student in possession of a weapon, alcohol, controlled substances or illegal drug in violation of this policy may be placed under emergency suspension from school, pending an investigation of the incident by the appropriate school or legal authorities. Students who violate this policy may be suspended from school and all activities for any period of time up to the maximum period authorized by law. Additionally, school administrative staff members may seek to file criminal charges against the student.

A student may be subjected to discipline, including being placed on a long-term suspension, when the student:

1. Possesses, displays, uses, threatens to use, has control over, or conceals any kind of weapon, controlled dangerous substance, illegal drug, or alcohol while the student is on school property or at a school-sponsored activity. A student "possesses" a weapon, alcohol, controlled substance or illegal drug when:
  - The contraband is or was on the person of the student
  - The contraband is or was in any item which the student is carrying or has carried and left at school or at a school activity. Examples include any item in which contraband can be placed, including, but not limited to, duffle bags, book bags, brief cases, satchels, bags, sacks, etc.



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- The contraband is or was in the student's desk, locker, vehicle, or clothing. This prohibition applies whether the contraband can be seen or is concealed from view. This applies to any part of a student's vehicle, regardless of whether the contraband is in plain sight or concealed from view in any manner, such as in a glove compartment, trunk, under a seat, under a floor mat, in any container, etc. A student who drives or parks a vehicle on school property will be responsible for what is in the vehicle regardless of who holds title to the vehicle, who has been driving the vehicle, or who has been riding in the vehicle. Students will be responsible for items in driven and parked vehicles and will be considered to be in "possession" of all items in all such vehicles. (See BOE Policy "Parking [Secondary School Students]" for additional information).
  - The contraband is or was anywhere on school property or at a school-sponsored activity because the contraband was placed there by a student; or
  - The student knows where contraband is and thereby has access to use of the contraband on school property or at a school-sponsored activity. A student "possesses" contraband when the contraband is in any location readily available to use by the student because such possession is a threat to the safety and well-being of students, staff, and school operations just as much as if a student was carrying concealed contraband.
2. Threatens to use a weapon to harm another individual or an individual's property or school property, even though the student does not in fact actually possess a weapon. The mere threat of the use of a weapon is a disruption to school operations and/or harmful to the expectations of staff, students and parents that staff and students will not be threatened with harm by a weapon while on school property or at a school-sponsored activity.

A weapon includes:

- Any item commonly used or designed to inflict bodily harm and/or to threaten or intimidate others. Examples include, but are not limited to, a pistol, revolver, rifle, shotgun, air gun or spring gun, B-B gun, slingshot, bludgeon, blackjack, brass knuckles or artificial knuckles of any kind, nun-chucks, dagger, bowie knife, dirk knife, butterfly knife, any knife having a blade of greater than two and one-half (2 1/2) inches, any knife the blade of which can be opened by a flick of a button or pressure on the handle, any pocket knife where the blade is carried in a partially opened position, any pocket knife with a blade shorter than two and one-half (2 1/2) inches that can be locked in place, razor, dart, ice pick, explosive smoke bomb, incendiary device, live rounds of ammunition, sword cane, hand chains, and any replica or facsimile thereof or any item which is used to threaten harm or is used to harm any person.
- Any item not commonly used or designed to inflict bodily harm but is designed in a similar manner to an item commonly used or designed to inflict bodily harm and which can be used to inflict bodily harm. Examples include, but are not limited to, box cutters, razor blades, pen knives, or any form of a knife.



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- Any poison or any other chemical or biological agent of whatever nature, any controlled substance, or any prescription or non-prescription medication that is used or planned to be used to harm another person at school.
  - Items not commonly used or designed to inflict harm and/or threaten or intimidate others but are used by a student to inflict bodily harm on another, inflict damage on the property of another, or are displayed in a threatening, aggressive, belligerent or intimidating manner toward another or the property of another. Items include, but are not limited to, belts, combs, pencils, files, compasses, scissors, rocks, thrown objects, etc. Laser pointers and similar devices are in themselves deemed to be items that can be displayed to threaten or intimidate others and thus are not to be possessed, displayed, or used at school.
  - Firearms, which includes any device which will, is designed to, or may be readily converted to, expel a projectile (including, but not limited to, objects, bullets, and shells) by the action of an explosive, the frame or receiver of any such device, a firearm muffler or silencer, or any "destructive device." A "destructive device" is
    - a) Any explosive, incendiary, or poison gas, including a bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or any similar device.
    - b) Any device, by whatever name known which will, or which can be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter.
    - c) Any combination of parts either designed or intended for use in converting any device into any destructive device described in (a) or (b) above and from which a destructive device may be readily assembled.
  - Devices that can otherwise propel an object, such as a BB-gun, pellet gun, air pistol, potato thrower or launcher, dart gun, blow gun and/or any other device whether in working condition or not that is designed to propel, throw, discharge, or fire objects that could hit another person.
  - Fakes or facsimiles of any items included in the above prohibited items, even though such fake items cannot cause bodily harm or harm to property of others but have the appearance of a weapon. These items are deemed in themselves to be a disruption to school operations and a source that can cause fear or intimidation in others. Examples include a toy that looks like a weapon. This policy does not apply to students who are members of the JROTC and who possess or bring an inoperable weapon to school for participation in a school program, provided the student obtained prior permission from the principal, the weapon remains inoperable while at school and the weapon is used consistent with the permission granted.
3. Further, facsimiles of illegal drugs or materials represented or believed to be or contain illegal drugs or alcohol are in violation of this policy even though the materials do not actually contain illegal drugs or alcohol.



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“Illegal drugs” includes all drugs listed as “controlled dangerous substances” by state law, including but not limited to marijuana, cocaine, amphetamines, and other mood or mind enhancing or changing substances. Included are all substances purported or believed by a student to be such a chemical or drug. “Alcohol” includes intoxicating beverages, low-point beer, liquids and substances represented or believed to be “alcohol.”

If a teacher or other school employee has reasonable suspicion to believe that a student is in possession of a weapon, alcohol, controlled substance or illegal drug the teacher or employee shall immediately investigate the matter and shall confiscate any such contraband found if this can be accomplished without placing any students or staff in jeopardy, and shall immediately notify the principal or the principal’s designee. If the teacher or employee does not believe that the contraband can be confiscated safely, the teacher or employee shall immediately notify the principal or the principal’s designee of the situation.

The principal or designee shall follow the following procedures:

1. Take possession from the teacher or employee of the contraband
2. If a student is in possession or believed to be in possession of a weapon, contact the police immediately
3. Notify the Superintendent of Schools or designee
4. Notify the parents
5. Cooperate fully with the police
6. Transfer confiscated weapon(s) or other contraband to the police department or other appropriate agency. Any firearm seized from a student by any school employee shall immediately be delivered to a law enforcement authority for disposition pursuant to applicable law.

Students in violation of this policy may be suspended for the maximum period authorized by law. The School Laws of Oklahoma provide that a student in possession of a firearm may be suspended out of school for at least one calendar year. Furthermore, educational services may be withheld for a student suspended for possession of a firearm. For purposes of this policy, a firearm includes all weapons as defined by *18 U.S.C. Section 921*. The Superintendent of Schools or Board of Education may modify the suspension requirement on a case-by-case basis. However, for students with disabilities, the procedures required by state and federal law and regulations must still be followed regarding the suspension of any such student. In addition, per the *School Laws of Oklahoma*, the school district need not provide educational services or an individual plan for out-of-school suspension to a student suspended out of school for possession of a controlled dangerous substance(s) while selling, conspiring to sell, distributing, being in the chain of sale or distribution, or with the



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intent of furnishing illegal or illicit drugs or other mood-altering substances as defined in the Uniform Control Dangerous Substances Act.

The School may decide to provide education services through an alternative school setting, home-based instruction, or other appropriate setting, to a student suspended as identified above. For an out-of-school suspension the principal or other appropriate school personnel may prepare an Individualized Plan for Out-of-School Suspension which shall provide education to and monitoring of the student in accordance with *OKLA. STAT tit. 70 § 24-101.3*. The plan shall be complied with by the student's parents or legal guardian.

Except as otherwise provided by law, a student who has been suspended from another school district because of the possession of a weapon shall not be accepted as a transfer student or enrolled as a student into the Broken Arrow Public Schools until the terms of the suspension have been met or the time of suspension has expired.

School district employees who willfully or negligently fail to enforce this policy shall be subject to disciplinary action, which may result in termination. Disciplinary action shall be independent of criminal proceedings which may result from the employee action. Disciplinary action for employees will be in accordance with Board policy and any negotiated agreement which may be in effect for the employee.

An exception to this policy may be granted for students or employees participating in an authorized curricular or extracurricular activity or team involving the use or demonstration of a weapon. For this exception, written prior approval by the principal or designee, in consultation with the Superintendent of Schools, is required.

Source: *Broken Arrow Board of Education policy adoption, February 17, 1992.*  
*Broken Arrow Board of Education policy revised, September 6, 1994.*  
*Broken Arrow Board of Education policy revised, May 22, 1995.*  
*Broken Arrow Board of Education policy revised, November 4, 1996.*  
*Broken Arrow Board of Education policy revised, September 2, 1997.*  
*Broken Arrow Board of Education policy revised, May 17, 2004.*  
*Broken Arrow Board of Education policy revised, March 12, 2007.*  
*Broken Arrow Board of Education policy reviewed April 6, 2009.*  
*Broken Arrow Board of Education policy revised, July 13, 2009.*  
*Broken Arrow Board of Education policy revised, January 12, 2015.*