

4.22—WEAPONS AND DANGEROUS INSTRUMENTS

Definitions

“Firearm” means any device designed, made, or adapted to expel a projectile by the action of an explosive or any device readily convertible to that use.

“Possession” means having a weapon on the student’s body or in an area under the student’s control.

“Weapon” means any:

- Firearm;
- Knife;
- Razor;
- Ice pick;
- Dirk;
- Box cutter;
- Nunchucks;
- Pepper spray, mace, or other noxious spray;
- Explosive;
- Taser or other instrument that uses electrical current to cause neuromuscular incapacitation; or
- Any other instrument or substance capable of causing bodily harm.

No student, except for Military personnel (such as ROTC cadets) acting in the course of their official duties or as otherwise expressly permitted by this policy, shall possess a weapon, display what appears to be a weapon, or threaten to use a weapon before or after school while:

- In a school building;
- On or about school property;
- At any school sponsored activity or event;
- On route to or from school or any school sponsored activity; or
- Off the school grounds at any school bus stop.

If a student discovers prior to any questioning or search by any school personnel that he/she has accidentally brought a weapon, other than a firearm, to school on his/her person, in a book bag/purse, or in his/her vehicle on school grounds, and the student informs the principal or a staff person immediately, the student will not be considered to be in possession of a weapon, unless it is a firearm. The weapon shall be confiscated and held in the office until such time as the student’s parent/legal guardian shall pick up the weapon from the school’s office. Repeated offenses are unacceptable and shall be grounds for disciplinary action against the student as otherwise provided for in this policy.

Penalty Phase

The superintendent shall have the discretion to modify such expulsion recommendation for a student on a case-by-case basis. Parents or legal guardians of students expelled under this policy shall be given a copy of the current laws regarding the possibility of parental responsibility for allowing a

child to possess a firearm on school property. Parents or legal guardians shall sign a statement acknowledging that they have read and understand said laws prior to readmitting the student. Parents or legal guardians of a student enrolling from another school after the expiration of an expulsion period for a firearm policy violation shall also be given a copy of the current laws regarding the possibility of parental responsibility for allowing a child to possess a firearm on school property. The parents or legal guardians shall sign a statement acknowledging that they have read and understand said laws prior to the student being enrolled in school.

1. Use and/or possession of gun – expulsion ranging from one year to permanent depending on degree and intent.
2. Use of any weapon other than gun - expulsion ranging from one semester to permanent depending on degree and intent.
3. Possession of weapons other than guns (facsimile guns are included in this section) - Suspension or expulsion up to one year.
4. Use of legitimate tools and/or articles (such as pens, forks, compass, wood or metal articles, etc.) as weapons may result in suspension or expulsion up to one year.
5. Any student with a weapon in his/her automobile parked off campus during school hours will be turned over to the local authorities.

Other:

1. Benton School District will not accept a student who has been expelled from another school for weapons violation.
2. Confiscated weapons not turned over to the police will be released only to the student's parents/guardians.

The district shall report any student who brings a firearm or weapon to school to the criminal justice system or juvenile delinquency system by notifying local law enforcement.

The statute that specifies the penalties is A.C.A. § 5-27-206

Legal References: A.C.A. § 5-4-201
 A.C.A. § 5-4-401
 A.C.A. § 5-27-210
 A.C.A. § 5-73-119(b)(e)(8)(9)(10)
 A.C.A. § 5-73-133
 A.C.A. § 6-18-502
 A.C.A. § 6-18-507
 A.C.A. § 6-21-608
 20 USCS § 7961

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