



Mitchell School District 17-2 POLICY

Category	Approval	
Series 1000: Students	Adopted	Revised
		11/26/01
	Reviewed	
	7/27/06, 6/28/10, 6/23/14	

WEAPONS POSSESSION

MSD 1033

No student or staff shall carry on his or her person, in any way have in his or her possession, store, keep, leave, place or give to or put in the possession of another student a controlled, dangerous or deadly weapon, any destructive device or explosive, any ballistic knife, any stun gun or any firearm or airgun whether such firearm or airgun is designed, adapted, used or intended primarily for imitative or noise making purposes or not in or on any school property or premises, in any school vehicle or other vehicle being used for school purposes or in any other building, structure or property being used for school purposes or function or at which a school related activity is being conducted. This policy shall not apply to any weapon, device or other item referred to herein which is being used by authorized individuals as a part of or in conjunction with school related activities or functions.

For the purposes of this policy, the following definitions shall apply:

- (a) "Controlled weapons" shall include a firearm silencer, machine gun or short shotgun. A firearm silencer is any instrument, attachment, weapon or appliance for causing the firing of any gun, revolver, pistol or other firearm to be silent or intended to lessen or muffle the noise of the firing of any such weapon. A machine gun is any firearm of whatever size and design that automatically discharges two or more cartridges by a single function of the firing device. A short shotgun is a shotgun with a barrel less than 18 inches long or with an overall length of less than 26 inches.
- (b) "Dangerous or deadly weapon" is any firearm, knife or device, instrument, material or substance, whether animate or inanimate, which is calculated or designed to inflict death or serious bodily harm or which by the manner in which it is used is likely to inflict death or serious bodily harm.
- (c) "Destructive device" is any bomb, grenade, explosive missile or similar device or any launching device therefor, or any breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and has a wick or similar device capable of being ignited.
- (d) "Explosive" is any substance or combination of substances that is used for the purpose of detonation and which, upon exposure to any external or internal force or condition, is capable of a relatively instantaneous release of gas and heat.
- (e) "Ballistic knife" is a knife encased in a tubular metal sheath which when removed, uncovers a detachable blade that can be propelled by a spring mechanism operated at the push of a button.
- (f) "Stun gun" is any battery-powered, pulsed electrical device of high voltage and low or no amperage that can disrupt the central nervous system can cause temporary loss of voluntary muscle control of a person.

- (g) "Firearm" includes any weapon which is designed to expel a projectile by action of an explosive, or any other means, the frame or receiver of any such weapon, a muffler or silencer for a weapon, or any explosive, including any poison gas. This shall include BB guns, paint ball guns, and air guns.

As per SDCL 13-32-4, any student bringing a firearm to school shall be expelled for not less than twelve months and will be referred to law enforcement authorities. The superintendent shall have the authority to recommend to the school board that this expulsion requirement be modified on a case-by-case basis. This policy shall be implemented in a manner consistent with IDEA and Section 504. Any student violating this policy shall also be referred to the criminal justice or juvenile delinquency system.

Staff who violate this policy shall be subject to personnel discipline procedures and SDCL governing employment dismissal.

References: SDCL 13-32-4, 13-32-7, 22-1-2 and 22-14-19, P.L. 103-382

11/26/01 review renumbered the policy from 1019 to 1033 and added statements regarding IDEA and 504.