JICI Weapons In School

Issued 4/11 Draft 19

Purpose: To establish the basic structure for the board’s prohibition of student possession of weapons.

Weapons

It is the policy of the board of education to ensure the safety and welfare of its students and employees. The presence of firearms, knives with blade length of over two inches, dirks, razors, metal knuckles, slingshots, bludgeons, blackjacks or any other deadly instrument used for the infliction of bodily harm or death, or other weapons on school district property poses a severe threat of serious harm or injury to students and staff.

While on school grounds, in school buildings, on buses or at school-related functions, students will not possess any item capable of inflicting injury or harm (hereinafter referred to as a weapon) to persons or property when that item is not used in relation to a normal school activity at a scheduled time for the student. No vehicles parked on school property may contain firearms, knives, blackjacks or other items which are generally considered to be weapons. The vehicle restriction does not apply to students 21 or older who are authorized by state law to carry a concealed weapon when the weapon remains inside an attended or locked motor vehicle and is secured in a closed glove compartment, closed console, closed trunk, or in a closed container secured by an integral fastener and transported in the luggage compartment of the vehicle. (Items approved for use and/or used in relation to normal school activities; i.e., food preparation utensils and project implementation items; should be investigated carefully by school administration for intent to harm before moving to a recommendation for expulsion.)

Level of offense

It is a felony offense, punishable by a fine of $1,000 or imprisonment for five years, or both, to carry a weapon as referenced above on school property.

It is a misdemeanor offense, punishable by a fine of up to $500 or imprisonment for up to 90 days, to carry a concealed dirk, slingshot, metal knuckles, razor or other deadly weapon.

Weapons (Firearms)

The board will expel any student who brings a weapon to school and/or any school-sponsored activity. For purposes of this section of the policy, weapon is defined as a firearm. The term firearm is defined extensively in the U.S. Code, but generally means an operable weapon (gun) or destructive device (explosive, incendiary).
The period of expulsion will be no less than one year.

The board directs the superintendent will make recommendations for expulsion consistent with this policy except that the superintendent, on a case-by-case basis, may modify this expulsion requirement. In considering whether to modify the one-year expulsion requirement, the superintendent may consider, among other things, the student’s age, discipline record and the specific facts and circumstances of the incident.

The district may provide educational services in an alternative setting to students expelled under this policy, pursuant to the circumstances of each individual case.

The district will refer each expelled student to the local county office of the Department of Juvenile Justice.

Adopted 7/23/96; Revised 8/27/96, 7/1/03, 4/26/11

Legal references:

A. Federal Law:

B. S.C. Code, 1976, as amended:
   1. Section 16-23-420 - Possession of firearm on school property; concealed weapons.
   2. Section 16-23-430 - Concealed weapons, school property exception.
   3. Section 59-63-235 - Expulsion of student determined to have brought firearm to school.
   4. Section 59-63-370 - Definition of a weapon.

C. Federal Cases:

United States Code:

U.S. Supreme Court Cases:
   New Jersey v. T.L.O., 469 U.S. 325 (1985.)

S.C. Code, 1976, as amended:
   Section 59-63-235 - Expulsion of student determined to have brought firearm to school.
   Section 59-19-90(3), (5) - General powers and duties of trustees.
   Section 59-63-370 - Definition of a weapon.
   Section 16-23-430 - Carrying weapons on school property.