

It is the intent of the board of education of Gage County School District No. 34 that this policy meets all the requirements as set forth by: (1) The Elementary and Secondary Education Act of 1965, amended by the Gun-Free Schools Act of 1994. (2) Nebraska Statute §79-283 as amended by LB-658, enacted by the 1995 session and LB-232, enacted by the 1997 session of the Nebraska State Legislature. (3) Any other Nebraska statutes relating to firearms or weapons in schools. (4) Any policies and regulations of this school district that may relate to firearms, weapons, and the suspension or expulsion of students from school or the suspension or termination of individuals employed by the school district. In the event that this policy would conflict with any state or federal statute, the state or federal statute shall prevail.

DEFINITIONS:

Firearm: Any device which is designed to, or may be readily converted to, expel a projectile by the action of an explosive substance or by the use of compressed gas or air. This includes but is not be limited to rifles, machine guns, shotguns, pistols (including starter pistols), antique guns or pistols, BB or CO² guns, guns which have been altered, or any other device which could propel a projectile that could inflict or cause bodily harm or which could be used as a device which may threaten one's safety or well-being.

Destructive Device: Any device, including knives, metal objects, bombs, grenades, rockets, mines, missiles, fire crackers, shells designed to explode upon impact, or any or other object which may be determined by school officials as having the capability of inflicting bodily injury or which could be used to threaten the safety of others if not used for its intended purpose.

It is the responsibility of the board of education to provide a safe work place for students attending this school and for the employees working in this school district. Therefore, school employees will undertake all reasonable efforts to prohibit the unlawful possession, the knowing and intentional selling or attempting to sell, exchange, lend, delivery, or any other way of transfer the possession of a firearm to a juvenile or between adults while on school property, in school owned vehicles, at school-sponsored activities, or at any school event.

If a firearm is used for instructional purposes, it shall be transported to and from the classroom or instructional area by the instructor or by an adult school district employee designated by the instructor. Any firearm being transported to the instruction area shall be unloaded and kept in a case expressly made for the purpose of containing a firearm. These cases shall be completely zipped, snapped, buckled, tied, or otherwise kept fastened so that no part of a firearm is exposed. The principal shall be notified of the time and place for any instruction involving any firearms.

Excluded from this policy are tools or devices expressly used for instructional purposes or aides. This includes hammers or staplers powered by electricity or compressed air, guns used to embed nails into concrete or masonry products, or other similarly powered tools. However,

students using such tools shall have received instruction on how these tools are used and the appropriate safety precautions. These tools or devices shall only be operated while the students are being supervised by a certificated instructor.

Any firearm in private vehicles of non-student adults entering school property shall be unloaded and kept in a case that is expressly made for the purpose of containing a firearm. This case shall be completely zipped, snapped, buckled, tied, or otherwise kept fastened so that no part of a firearm is exposed.

Nebraska Statute §79-283, Subsection (4) mandates the expulsion of a student for the knowing and intentional possession either on his or her person, in a school locker assigned to the student, in his or her vehicle while on school property, at a school-sponsored activity or at any school event, or uses or transmits a firearm, as defined in 18 U.S.C. 921 as of January 1, 1995. Such expulsions from school shall be for a period of time not to exceed one year, or for a period of time otherwise designated by law. The board of education shall retain the responsibility to review each incident and modify the expulsion requirement on an individual basis.

Any school employee not authorized to possess any type of firearm, either on his or her person, or by leaving it in any area of the school, including his or her vehicle while on school property, shall be dismissed from service.

School administrative or teaching personnel are authorized to confiscate without warrant any firearm or dangerous weapon and school officials shall notify as soon as possible the appropriate law enforcement authorities of any act described in this policy whereby the school official knows or suspects that an incident is in violation of the Nebraska Criminal Code. Any weapons confiscated shall be turned over to the law enforcement authorities for their disposition.

Since school lockers belong to the school district and are normally used by students and school employees as a convenience for storing books, garments not immediately needed while the student is in school, and other school-related items, school administrators may search any locker being used by a student or a school employee if it is thought that the locker may contain any illegal items, contraband materials, or other items deemed inappropriate for students or employees to have while on school property. Any school official who suspects that a student has any illegal items, including any firearms or weapons, any contraband materials, or other dangerous or illegal items on his or her possession or concealed in items such as duffel bags or back packs or concealed in vehicles located on the school campus, may search the car or the student, or cause the student to be detained until he or she can be searched by appropriate school officials or other authorities.

Any student, while on school property, in school owned, leased, or school-sponsored vehicles, at any school-sponsored activity or event who possesses on his or her person or who threatens the safety of any person with a knife or any other weapon or object which could inflict a wound or cause bodily harm, shall receive a long term suspension or be expelled from school. The length of the suspension or expulsion shall be determined by school officials based upon the severity of the case, or number of times the threats have occurred.

Any student suspended or expelled from school pursuant to this policy may, within five (5) school days, request a hearing as set forth by the Student Discipline Act.

Any student suspended from school pursuant to this policy shall be given an opportunity to complete any class work, including, but not limited to examinations, missed during the period of suspension.

Any student expelled from school pursuant to this policy shall be advised of the following educational plan:

- I. Gage County School District No. 34 will provide an alternative education program for any student or students expelled from this school district for the knowing and/or intentional possession either on his or her person, in a school locker or storage area, assigned or unassigned to the student, in his or her vehicle while on school property, at a school-sponsored activity or at any school event, or uses or transmits a firearm. (Note: This plan shall conform with the requirements set forth by Nebraska Statute §79-266 and Nebraska Department of Education, Rule 17.)
 - A. Alternative Education Program. A conference shall be called by the principal or appropriate administrator. The purpose this conference will be to advise the student and his or her parents or guardian of an educational program whereby the expelled student can continue with a program that will allow the individual to work toward meeting the school district's graduation requirements. The expelled student will be provided the opportunity to enroll in high school level correspondence courses provided by the University of Nebraska High School Extension Division or other program approved by school officials.
 - B. The Plan. School officials shall determine:
 1. The course or courses to be taken and the sequence for these courses. The student will take one course at a time and will not enroll in another course until he or she has successfully completed the previous course.
 2. The certificated person or persons assigned to oversee the student progress and testing of the student.
 3. The method and frequency of reporting student progress in the correspondence course.
 - C. The school district will bear the cost of the tuition fee and textbooks required upon successful completion of the course by the student.
 1. If the student fails to meet any conditions of the learning program, the school district may, without further obligation, terminate the program after a due process hearing, as required in statutory provisions for suspension and expulsion of students, unless otherwise waived by the parents or guardian of the student.

Upon the suspension or expulsion of a student from school pursuant to this policy, school officials shall notify the student's parents or guardians in a manner prescribed by the Student Discipline Act and shall file a report with the Gage County Attorney who shall process the information as prescribed by the Federal Gun Free School Act. Furthermore, this school district shall report all circumstances surrounding any expulsions as set forth by state or federal statutes in a manner prescribed by the Nebraska Department of Education.

This policy shall not apply to the issuance of or the possession of firearms by members of the Armed Services of the United States, active or reserve, the National Guard of the State, or reserve officers training corps, peace officers, or other duly authorized law enforcement officers when on duty.

An effective safety measure in the prevention of violence resulting from an individual or individuals bringing a weapon or other destructive devices onto the school campus is an alert student body, parents, and community. Students, parents, and community members are encouraged to visit with school administrators, teachers, or local authorities concerning any individual or group which may be overheard discussing or threatening the use of violence relating to the school, the community, or to individuals. School officials will determine the need for counseling with the individual or individuals, or his or her parents or guardian and the need for reporting the situation to local authorities.

Legal Reference:	§79-255 Through §79-292 ESEA Act of 1965 as Amended by Title VIII-The Gun Free School Act of 1994.	Student Suspension and Expulsion Procedures and Appeal Process.
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