

Firearm/Explosive

A student who possesses or carries a firearm or powerful explosive onto educational property will be suspended for 365 days, unless the superintendent recommends and the board approves a modification. A firearm includes any gun, rifle, pistol, or other weapon used for firing a projectile by means of an explosive charge. A powerful explosive includes a dynamite cartridge, blasting cap, trinitrotoluene (TNT), nitroglycerin, grenade or mine. A student who brings a firearm or powerful explosive to school also will be referred to the criminal justice or juvenile delinquency system.

Principal's Actions

The principal, upon having completed a thorough investigation, will recommend to the superintendent a long-term suspension and a 365-day suspension for any student who the principal believes to have brought any firearm or powerful explosive to school. If the student is 14 years of age or older, the principal also may recommend expulsion in accordance with Policy JGE. A student with disabilities will receive all protections required by law.

The notice and hearing rights in Policy JGDA-R will be followed. A determination will be made by the superintendent or designee as to whether the evidence supports 1) a long-term suspension, 2) a 365-day suspension, and/or 3) an expulsion.

The superintendent/designee will notify the principal if a long-term suspension is approved and the principal may immediately impose a long-term suspension. The long-term suspension may be appealed to the board.

If the superintendent/designee also determines that a 365-day suspension and/or expulsion is appropriate, the superintendent/designee will determine whether to also recommend to the board any modification to the suspension, including the provision of alternative education services or reduction in the suspension. The superintendent/designee will notify, in writing, the parent(s) or guardian and the student of the recommendation and the basis for the recommendation. The superintendent also will notify the parent(s), in writing, of any recommendation for expulsion and the basis for the recommendation.

Hearing procedures for long-term suspensions will be followed. The board may review the record from the administrative hearing in addition to or instead of presentations of evidence by individuals other than the superintendent/designee or the parent, student, or student's counsel. The board will accept new evidence only as is necessary to avoid a substantial threat of unfairness.

If the parent(s)/guardian and student do not want to be present at the hearing, the parent(s)/guardian or student will give notice within one day of the scheduled hearing. The superintendent may then provide evidence to support the recommendation in writing to the

board, provided that the board may elect to request a hearing or request additional records and documents.

If the superintendent/designee has recommended a 365-day suspension, the board will make a written determination of whether the evidence supports a 365 day suspension and whether it accepts any modification recommended by the superintendent. Policy JGE will be followed in regard to any recommendation for expulsion.

The superintendent will keep all records required by state or federal law on all suspensions made pursuant to this policy.

Other Weapon(s)

Any student possessing or carrying a weapon as defined in N.C.G.S. 14-269.2(e) on educational property, whether openly or concealed, or at any time when a student is subject to the authority of school personnel, will be suspended from school for the remainder of the school year. Weapons that shall result in a misdemeanor charge and suspension for the remainder of the school year include but are not limited to: BB gun, air rifle, air pistol, bowie knife, dirk, dagger, slungshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), and any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips, and tools used solely for preparation of food, instruction and maintenance on educational property.

The superintendent or his designee (designee does not include school principals) is given the authority by the board to suspend the student for less than the remainder of the school year, if his investigation into the charges reveals mitigating circumstances that warrant a lesser suspension.

If, however, the long-term suspension is upheld by the superintendent/designee, long-term suspension procedures will be followed as outlined in Policy JGDA-R.

(Legal Reference N.C.G.S. 14-269.2; 115C-288, -391)

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