

P1466 POSSESSION OR USE OF WEAPONS

BOARD POLICY:

Any pupil who is found to have brought handled, transmitted or to have been in possession of a weapon, as defined in AIP 1a and b, including any firearm or replica firearm at school, on school property, or at a school supervised activity shall receive a mandatory expulsion from the school district for 186 school days.

Any pupil who is found to have brought or to have been in possession of any article (as defined in AIP 1d) at school, on school property, or at a school supervised activity shall be subject to disciplinary action up to and including expulsion from the school district for 186 school days.

Any pupil who uses any article (as defined in AIP 1e) to inflict bodily harm or to place a person(s) in fear of bodily harm at school, on school property, or at a school supervised activity shall be subject to disciplinary action up to and including expulsion from the school district for 186 school days.

Administrative Implemental Procedures:

- Weapon means articles defined according to state statute and/or local education authority.
Examples are as follows:
 - Weapon as defined in K.S.A. 72-6131(h) and amendments thereto, including but not limited to any firearm, bomb, or explosive device, or any combination of parts from which a destructive device may be readily assembled; bludgeon; sand club; metal knuckles; or throwing star; switchblade knife; knife having a blade that opens or falls or is ejected into position by the force of gravity or by an outward, downward or centrifugal thrust or movement; and/or any electronic device designed to discharge immobilizing levels of electricity, commonly known as a stun gun.
 - Replica firearm. Replica firearm means a realistic replica of a firearm that, because of the appearance of such replica firearm, could be used to place a person in fear of bodily harm.
 - An air gun is not a replica firearm when a pupil is participating in activities conducted by an organization or is in transit to or from such activities that are conducted in compliance with K.S.A. 72-6134.
 - Any single bladed article that could cut or stab, or any article that is commonly used or is designed to inflict bodily harm.
 - Any article that is not per se a weapon which is used for the purpose of inflicting bodily harm upon a person or is used to cause a person to be placed in fear of bodily harm. Examples include, but are not limited to, laser pens, belts, combs, pencils, files, compasses, and scissors.
- Administrator or other delegated school official shall confiscate weapons (as defined in AIP 1a) and turn such weapons over to the appropriate law enforcement agency. Other weapons used in violation of this policy shall also be subject to being confiscated.
- The administration shall establish a program, which at the discretion of the administration may, based upon the age, the severity of the offense, the past record, and any other relevant factors, be offered to pupils violating this policy with the exception of AIP #1a, and b. If the pupil participates in and completes the program, the pupil may, at the discretion of the District Hearing Officer, be reinstated at a district school. In case of such reinstatement, the District Hearing Officer will select the school the pupil attends.
- When a violation of this policy occurs which is also a violation of law, administration or other delegated officials will call appropriate law enforcement agencies in accordance with policy entitled School Safety and Security Incident Reporting.
- When recommending extended suspension or expulsion for special education pupils, refer to additional requirements listed in the Administrative Handbook for Special Education.
- The Superintendent has the discretion to modify the expulsion requirement in a manner that is consistent with requirements of federal law.
- Ceremonial Use and School Supervised Activities.
 - The provisions of this policy do not apply to the possession by pupils of ceremonial instruments at school, on school property, or school supervised activity if the possession is connected with the supervised use of ceremonial instruments, such as sabers by the Junior ROTC students and props for drama productions. Such use must be specifically authorized in writing by the Superintendent.
 - The provisions of this policy do not apply to the possession by pupils of weapons at school, on school property, or at a school supervised activity if the possession of weapons by pupils is connected with a weapons safety course of instruction or a weapons education course approved and authorized by the school or if the possession of weapons by pupils is specifically authorized in writing by the Superintendent.
- Every pupil and parent will be required to sign a weapons/drugs policy statement yearly informing them of the disciplinary action that can and will be taken if a pupil is found to be in violation of this policy.

The Board attorney has approved this policy in form and content.

Administrative Responsibility: Safety Services Department
Latest Revision Date: February 2018
Previous Revision Date: September 2008 P1466

P1465 PUPIL BEHAVIOR - ALCOHOL, DRUGS, DRUG PARAPHERNALIA, AND/OR OTHER CONTROLLED SUBSTANCES

BOARD POLICY:

Any pupil who intends to or is selling, manufacturing or trafficking (as defined in AIP #1) alcoholic beverages, drugs, drug paraphernalia, inhalants and/or other controlled or uncontrolled substances, such as, but not limited to, over the counter medications or unauthorized prescription drugs, or any pupil who possesses such substances in an amount that exceeds the reasonable personal need of the average user of the substance possessed (as determined in accordance with AIP #2), at school, on school property, or at a school supervised activity shall receive a mandatory expulsion from the Wichita Public Schools for 186 school days. For information about the request for school assignments pending a final decision on an extended suspension/expulsion, please see BOE P1472 – *Pupil Makeup Work*.

Any pupil who uses or appears to be affected by or whose conduct appears to be altered by alcoholic beverages, drugs (except as medically prescribed) and/or other controlled substances, such as, but not limited to, unauthorized prescription drugs, any pupil who possesses any of such substances in amounts that do not exceed the reasonable personal needs of the average user of the substance or any pupil who possesses drug paraphernalia at school, on school property, or at a school supervised activity will receive one of the following disciplinary actions:

1st Offense:

- Pupils will be placed on a short-term suspension for ten (10) school days when found to be in possession or use of drugs and/or alcohol. Such pupils shall be recommended for an extended suspension, and an extended suspension of twenty-five (25) days shall be imposed, if the pupil is found by a district-level hearing officer to have been in possession and/or to have used drugs and/or alcohol.
- At the time of the imposition of a short-term ten (10) day suspension for possession and/or use of alcohol and/or drugs, the parents and/or legal guardians will be afforded the option to have the suspended pupil meet with a community source (which may include, as appropriate, a mental health agency counseling program, an alcohol and drug service agency, a physician, a U.S.D. 259 substance abuse specialist, etc.) to discuss the pupil's problem with drugs/alcohol. Upon receipt of written documentation that the pupil is complying with such agency's recommended action, a suspension imposed under Paragraph 1 (above) shall immediately be revoked and the pupil allowed back in school. A district-level due process hearing for violation of possession and/or use of drugs/alcohol for first-time offenders will be scheduled on the fifth day of a pupil's short-term suspension if written documentation that a pupil is complying with an agency's recommended action has not been received by such time.
- In lieu of the procedures outlined in 1) and 2), at the time of suspension, parents and/or legal guardians will be afforded the option to have the suspended pupil meet with a community source (which may include mental health agency counseling program, an alcohol and drug service agency, a physician, USD No. 259 Substance Abuse Specialists, etc.) to discuss the pupil's problem with drugs/alcohol. Upon receipt of written documentation that the pupil is complying with the agency's recommended action, the suspension shall immediately be revoked and the pupil allowed back in school.

Subsequent Offenses:

On a second or subsequent offense a pupil will be placed on a short-term suspension of ten (10) school days. Such pupil shall be recommended for an extended suspension for a term of twenty-five (25) school days up to and including expulsion from the Wichita public schools for one hundred eighty-six (186) school days, and such suspension/expulsion of between twenty-five (25) school days up to and including expulsion for one hundred eighty-six (186) school days shall be imposed if the pupil is found by a district-level hearing officer to have been in possession of or to have used drugs and/or alcohol.

Administrative Implemental Procedures:

- Trafficking means any pupil who intends to or who is intentionally selling, giving or delivering to others controlled/illegal substances, such as, alcoholic beverages, inhalants, over the counter medications, unauthorized prescription drugs and/or drug paraphernalia. The building principal or principal designee will determine questions regarding the intent to traffic. In making a determination regarding the intent to traffic, the principal or principal designee may take into account, without limitation, such things as equipment found, place found, multiple containers, large amounts of money, opinion of others, etc.
- The principal or principal designee, based on personal knowledge or the knowledge of others, shall determine when a student possesses a quantity of drugs, drug paraphernalia, inhalants and/or other controlled or uncontrolled substances, such as but not limited to, over the counter medications or unauthorized prescription drugs at school, on school property, or at a supervised school activity in amounts that exceed the reasonable personal need of the average user of the substance possessed.
- Any disciplinary action taken by a building administrator will be based on the best and most satisfactory information available, including searches conducted under BOE Policies P1469 Search and Seizure - School Facilities, and P1470 Search and Seizure - Pupils and Their Personal Possessions.
- The appropriate law enforcement agency will be advised of any and all violations of laws in accordance with policy entitled School Safety and Security Incident Reporting.
- Any pupil who appears to be affected by or whose conduct appears to be altered by the use of alcohol, drugs, or other controlled substances, or admits same, and gives evidence of need for medical attention, shall be released as soon as possible to the care and supervision of his/her lawful custodian or any other person so named to act in the event of a health related emergency. Basic procedures relating to all illnesses shall be followed. Any information available shall be released to lawful custodian, physician, and others responsible for care and treatment.
- Staff members shall request the assistance of a building administrator when they observe a pupil who appears to be in a state of disorientation or who does not have normal control of self.
- The building administrator, in addition to the above, shall administer appropriate disciplinary action. It is expected that the lawful custodian(s), as well as the pupil, will be notified of any charges (allegations) under this policy and the results of a violation of the policy may carry a maximum penalty up to and including a recommendation for an extended suspension or expulsion in accordance with policy entitled Suspension and/or Expulsion of Pupils.
- Every pupil and parent will be informed and required to sign a weapons/drugs policy statement yearly regarding the disciplinary action that can and will be taken if a pupil is found to be in violation of this policy.
- Should any pupil seek the guidance or assistance of any staff member for the purpose of improving his/her behavior or responses to the involvement with controlled substances, such pupil's request for confidentiality should be respected unless staff personnel is required to reveal such information through legal processes. When such requirement is necessitated, the lawful custodian of the pupil will be so advised.
- Suspension or expulsion of special education pupils shall be subject to and governed by the State statutes and regulations and the Individuals with Disabilities Education Act Amendments of 1997 (20 U.S.C. 1400 et seq.) implementing regulations thereto.
- Proper use of a drug prescribed by a licensed physician is permitted if used as prescribed. (See policy entitled Administering Prescribed Medication During School Hours.)
- Inhalants are defined as but not limited to: Gasses, solvents, butane, propane, adhesives, any other item that provides a fume that is improperly used by students.

Board counsel has approved this policy in legal form and content.

Administrative Responsibility: Safety Services Department
Latest Revision Date: December 2010
Previous Revision Date: April 2005 P1465

P1462 PUPIL BEHAVIOR – ASSAULT AND/OR BATTERY OF STAFF MEMBER

BOARD POLICY:

Any pupil, other than an elementary school pupil, who is found to have committed battery (as defined in term a.) upon any school district staff member at school, on school property, or at a school supervised activity shall receive a mandatory expulsion from the school district for 186 school days, provided however, pupils who are found to have committed battery upon any staff member based upon transferred intent (as defined in term c.) shall not be expelled for a period of time that results in the loss of more than two (2) semesters of credit and such pupil may be placed in off campus programs.

Any elementary school pupil who is found to have committed battery (as defined in term a.) upon any school district staff member at school, on school property, or at a school supervised activity shall be subject to disciplinary action up to and including expulsion from the school district for 186 school days.

Any pupil who is found to have committed an assault (as defined in term b.) upon any school district staff member at school, on school property, or at a school supervised activity shall be subject to disciplinary action up to and including expulsion from the school district for 186 school days.

For information about the request for school assignments pending a final decision of an extended suspension/expulsion, please see BOE P1472 – *Pupil Makeup Work*.

The terms used in this policy are defined as follows:

- a. **Battery** means the unlawful intentional touching or application of force to the person of another when done in a rude, insolent, or angry manner.
- b. **Assault** means the unlawful, intentional threat or attempt to do bodily harm to the person of another coupled with the apparent ability to do bodily harm and resulting in the immediate placement of a person in fear of bodily harm. No bodily contact is necessary.
- c. **Transferred Intent** is when an act otherwise constituting battery is committed against a person other than the intended victim, the responsibility of the actor is exactly as it would have been had the act been committed against the intended victim.

Administrative Implemental Procedures:

- 1. When a violation of this policy occurs, administration or other delegated official will call appropriate law enforcement agencies in accordance with policy entitled School Safety and Security Incident Reporting.
- 2. When recommending extended suspension or expulsion for special education pupils, refer to additional requirements listed in the Administrative Handbook for Special Education.
- 3. The administration shall establish a program, which at the discretion of the administration may, based upon the age, the severity of the offense, the past record, and any other relevant factors, be offered to pupils violating this policy with the exception of battery. If the pupil participates in and completes the program, the pupil may, at the discretion of the hearing officer, be reinstated at a district school. In case of such reinstatement, the hearing officer will select the school the pupil attends.
- 4. A program of educational instruction shall be established for middle and high school pupils who have battered a staff member based upon transferred intent. The program shall not be conducted upon the premises of any district school. The placement of a pupil in the program shall be made at the discretion of the hearing officer or the Board of Education if an appeal is made to the Board.
- 5. Every pupil and parent will be required to sign a policy statement yearly informing them of disciplinary action that can and will be taken if a pupil is found to be in violation of this policy.

Board Counsel has approved this policy in legal form and content.

Administrative Responsibility: Assistant Superintendent of High Schools
Latest Revision Date: April 2005
Previous Revision: July 2004 P1462

P1232 ACCEPTABLE USE OF COMPUTERS, NETWORKS, INTERNET, ELECTRONIC MAIL, TELEPHONES, AND OTHER ONLINE SERVICES – STUDENTS

BOARD POLICY:

USD 259 is committed to making advanced technology and increased access to learning opportunities available to all students. The goal of the district in providing access to students is to promote educational excellence in schools by facilitating resource sharing, innovations, and communications. The use of computers, networks, the Internet, or other online services shall be in support of education and research consistent with the district's educational objectives.

Administrative Implemental Procedures:

- 1. **Student Responsibilities.** Regardless of any “technology protection measure” implemented by the District as may be required by the Children’s Internet Protection Act, students are responsible for good behavior on computers, networks, the Internet, or other online services just as they are in a classroom or a school hallway. General school rules for behavior and communications apply. Network storage areas will be treated like school lockers. Network administrators, teachers, and other appropriate district staff may review student files and student communications from time to time to prevent misuse and to ensure students are using the system responsibly and in compliance with laws and district policies. Communications on the network are often public in nature; students should not expect that files stored on district servers will be private.

- 2. **Permission.** Students must have permission from and be under the supervision of school district professional staff before utilizing district-provided computers, networks, the Internet, or other online services. Permission is not transferable from one student to another and may not be shared. Students shall not be allowed to utilize electronic communications unless a signed Student Access Contract is on file. To remain eligible as users, students' use must be consistent with the educational objectives of the district. Access is a privilege, not a right, and inappropriate use will result in, among other disciplinary measures, the cancellation of those privileges. Students will display school-appropriate conduct when using the computer equipment or network and shall maintain an environment conducive to learning.
- 3. **Violations.** Administrators, teachers, and other appropriate district employees will decide what is inappropriate use. Violating this policy may result in:
 - a. Restriction or loss of network access; and/or
 - b. Disciplinary or legal action including, but not limited to, suspension or expulsion from school and/or criminal prosecution under appropriate local, state, and federal laws; and
 - c. Assessment of the cost of damages to hardware/software.
- 4. **Inappropriate Use.** The following uses of school-provided computers, networks, the Internet, or other online services are not permitted on the part of USD 259 students:
 - a. Accessing, uploading, downloading, or distributing pornographic, obscene, or sexually explicit material;
 - b. Transmitting obscene, abusive, sexually explicit, or threatening language;
 - c. Violating any local, state, or federal statute;
 - d. Accessing another individual's materials, information, or files without permission.
 - e. Violating copyright or otherwise using the intellectual property of another individual or organization without permission;
 - f. Using others' passwords;
 - g. Vandalizing, defined as any unauthorized access and/or malicious attempt to damage computer hardware/software or networks or destroying the data of another user, including creating, uploading, or intentionally introducing viruses;
 - h. Intentionally wasting limited resources;
 - i. Using the network for commercial purposes;
 - j. Bullying, harassing, insulting, or attacking others;
 - k. Using, disclosing, or disseminating personal information online such as full name, home address, phone number, etc., except with approval by certified or administrative district staff;
 - l. Using e-mail lists from the district's Internet site, network, or servers to create mailing lists for non-school purposes;
 - m. Gaining unauthorized access to resources or entities;
 - n. Invading the privacy of individuals;
 - o. Improperly altering the setup of computers (e.g., desktops, icons, wallpapers, screensavers, installed software) as determined by the network administrator;
 - p. Using software that has not been assigned or approved by staff;
 - q. Failing to follow a district policy while using computers or failing to follow any other policies or guidelines established by district administration, teachers, or other appropriate district staff; and
 - r. Seeking to gain or gaining unauthorized access to information resources or other computing devices.
- 5. **Security Risk.** Any student identified as a security risk or having a history of problems with other computer systems may be denied access.
- 6. **Disclaimer.** The district makes no warranties of any kind, whether express or implied, for the access it is providing. The district will not be responsible for any damages suffered. This includes loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by its own negligence or user errors or omissions. Use of any information obtained via the Internet is at the user's risk. The district denies any responsibility for the accuracy or quality of information, or for any commercial transactions conducted through its system.
- 7. **Statements of Personal Belief.** Any statement of personal belief found on computers, networks, the Internet, other online services, telephones, or other telecommunication system is implicitly understood to be representative of the author's individual point of view, and not that of USD 259, its employees, or the participating school. No representations to the contrary shall be published without written approval from the district. Principals or district administrators may review all content in any Internet or online accounts paid for, in whole or in part, by the district or any school, without notice of any kind.
- 8. **Student Access Contract.** Prior to use of school computers or networks, (e.g. the Internet or other online services), each student shall submit a signed Student Access Contract for filing in the school office. Prior to use of computers at any other district facility, each student shall also submit a signed Student Access Contract for filing with the main office of the facility at which these computers are located. If a student is under the age of 18, a parent/guardian shall also sign the contract(s). New Student Access Contracts must be signed and submitted each school year. BOE Policy 1232 applies to all students regardless of whether they have submitted a signed Student Access Contract. If a student does not have a current Student Access Contract on file as required above, access to computer services and accounts is prohibited.
- 9. **District Technology Plan.** The Administrative Implemental Procedures contained in this policy shall be consistent with the District Technology Plan adopted by the Board of Education.

Approved as to form and content by Board attorney.

Administrative Responsibility: Information Services and Technology
Latest Revision Date: January 2013
Previous Revision Date: January 2002 P1232