

**AN ORDINANCE AMENDING CHAPTER 9, ARTICLE 12, SECTION 9-12.1, ENTITLED “WEAPONS IN SCHOOL PROHIBITED; MANDATORY EXPULSION; EXCEPTIONS” OF THE POLICIES OF THE SUFFOLK CITY SCHOOL BOARD – FIRST READING**

**BE IT ORDAINED**, by the School Board of the City of Suffolk, Virginia that Chapter 9, Article 12, Section 9-12.1, entitled “Weapons in school prohibited; mandatory expulsion; exceptions” of the Policies of the Suffolk City School Board, be, and the same is hereby amended to read as follows:

**Section 9-12.1. Weapons in school prohibited; mandatory expulsion; exceptions.**

— A. Carrying, bringing, using or possessing any firearm, dangerous device or dangerous or deadly weapon in any school building, on school grounds, in any school vehicle, or at any school sponsored activity, without the authorization of the school or school division principal or the superintendent or superintendent’s designee is prohibited and grounds for disciplinary action. The superintendent or superintendent’s designee is permitted to give authority to possess a firearm on school property only to persons expressly authorized by statute to possess a firearm on school property. The disciplinary sanction for bringing, using or possessing a firearm, dangerous device or dangerous or deadly weapon to school or at a school sponsored activity is expulsion for no more than one calendar year in accordance with School Board policy. Disciplinary proceedings for violation of this policy will be initiated promptly.

The term weapon includes but is not limited to any pistol, shotgun, stun weapon, revolver or other firearm listed in of the Code of Virginia, designed or intended to propel a projectile of any kind including a rifle, unloaded firearm in closed container, any air rifle or BB gun, toy gun and look-alike gun, any dirk, any knife having a metal blade of three inches or longer, or razor, bowie knife, switchblade knife, ballistic knife, machete, knife or razor, slingshot, spring stick, brass or metal knuckle, blackjack, any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, instrument which may be known as a nunchahka, nunchuck, nunchaku, shuriken, or fighting chain, any disc of whatever configuration having at least two points or pointed blade and which is designed to be thrown known as a throwing star or oriental dart, explosive and destructive device or other dangerous article.

B. A student who has possessed a firearm, on school property or at a school-sponsored activity as prohibited by Va. Code § 18.2-308.1 or who has possessed a firearm or destructive device as defined in Va. Code § 22.1-277.07 or a firearm muffler or firearm silencer or a pneumatic gun as defined in Va. Code § 15.2-915.4 on school property or to a school sponsored activity may be expelled for ~~no more than~~ at least one calendar year (365 days).

C. However, the building principal or principal designee, the school superintendent or School Board may, based on the facts of a particular case, determine that special circumstances exist and that another disciplinary action or term of expulsion is appropriate, which may include any of the following:

- (a) confiscation of the weapon;
- (b) parent conference;
- (c) notice of warning;
- (d) in-school suspension; and/or
- (e) out of school suspension.

The following factors shall be considered in determining the most appropriate disciplinary action or term of expulsion:

- (1) the age of the student;
- (2) the student's intent to inflict physical harm or injury;
- (3) whether the student was in possession of a weapon as enumerated in this policy;
- (4) whether the student was in possession of an object that would cause a reasonable person to believe it was in fact a weapon as defined in this policy;
- (5) whether the student was in possession of an object not generally considered a weapon and does not meet the definition of a weapon as set forth in this policy, but the student's intent was to use the object as a weapon to inflict harm or injury.

Any student who brings a weapon as defined in this section to school shall be referred to the criminal justice of the Juvenile Justice System.

D. The provisions of this article shall not apply to:

- (i) persons who possess such weapon or weapons as part of the school's curriculum or activities; or
- (ii) a person possessing a knife customarily used for food preparation or service and is using it for this purpose; or
- (iii) persons who possess such weapon or weapons as part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises; or
- (iv) any law enforcement officer while engaged in his duties as a law enforcement officer.

(Adopted August 14, 1997; Revised November 11, 1999; Ordinance Number 99/00-36; Revised March 14, 2002; Ordinance Number 01/02-01; Revised October 9, 2008; Ordinance Number 08/09-20; Effective: October 10, 2008; Revised June 13, 2013; Ordinance Number 12/13-99; Effective Date: July 1, 2013; Revised June 9, 2016; Ordinance Number 15/16-97; Effective Date: July 1, 2016)

**Legal Authority - Virginia Code §§ 15.2-915.4, 18.2-308, 18.2-308.1, 18.2-308.7, 22.1-277.07, 22.1-277.07:1, 22.1-280.2:4. (1950), as amended and 8 VAC 20-81-10.**

**BE IT FURTHER ORDAINED** that all phrases, clauses, sentences, paragraphs, subsections, sections and chapters of the School Board's Policy Manual not amended or repealed shall remain in full force and effect.

**FIRST READING:** \_\_\_\_\_

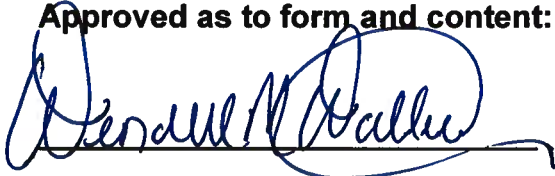
**SECOND READING:** \_\_\_\_\_

**EFFECTIVE DATE:** \_\_\_\_\_

**TESTE:** \_\_\_\_\_

**CLERK**

**Approved as to form and content:**

A handwritten signature in blue ink, appearing to read "Wendell M. Waller", written over a horizontal line.

**Wendell M. Waller, Esquire  
School Board Attorney**