

# ADMINISTRATIVE POLICIES OF THE MILWAUKEE PUBLIC SCHOOLS

## ADMINISTRATIVE POLICY 8.23 WEAPONS IN THE SCHOOLS (AND CRIMINAL OFFENSES)

### (1) WEAPONS

(a) The Milwaukee Board of School Directors prohibits all individuals — including, but not limited to, MPS employees, volunteers, students, visitors, and the personnel of MPS contractors or subcontractors — from possessing firearms while on MPS property, while transporting students, or at school-sponsored events, unless that individual is a sworn law-enforcement officer or agent.

(b) Students possessing dangerous weapons while traveling in a school zone or on school property shall be immediately suspended, and the police shall be called.

1. The term “weapon” means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to,

- firearms — including, but not limited to, firearms as defined in 18 U.S.C. 921(a)(3);
- guns of any type, including air and gas-powered guns (whether loaded or unloaded);
- knives;
- razors (unguarded blades);
- clubs;
- electric weapons;
- metallic knuckles;
- martial-arts weapons;
- ammunition; and
- explosives.

2. All cases that clearly involve a gun, as defined under federal law, shall be recommended for expulsion for a minimum of one year.

3. Cases that involve any other weapon used in a threatening manner shall be recommended for expulsion, with the length of that expulsion period to be recommended by the Administration.

(c) An elementary-, middle-, or high-school student in possession of a weapon shall be recommended for expulsion. The length of the expulsion shall be recommended by the Administration.

(d) Students’ unintentional possession of objects that, by the way they could be used, could be considered weapons (e.g., a pen knife or box cutter from work mistakenly brought to school) shall result in a Central Services conference. After the student services supervisor verifies the unintentional possession of the weapon, the following may occur:

1. Elementary-, middle-, and high-school students may remain at the present site at the recommendation of the school administrator.
2. High- and middle-school students may be assigned to a Milwaukee Public School behavior-reassignment school.
3. Repeated (more than once) possession by high- and middle-school students may result in an expulsion recommendation. Elementary-school students may lose their present school assignments.
4. An expulsion recommendation shall be made if the object is used in a threatening manner (grades 3-12).

(e) The Administration shall prepare and post signs, in accordance with 2011 Wisconsin Act 35, prohibiting firearms and other dangerous weapons upon or within MPS buildings or such portions of buildings as are occupied or under the control of MPS and where firearms and other dangerous weapons

are not already prohibited by law. These signs shall be located in prominent places near all of the entrances to the part of the building to which the restriction applies and where individuals entering can be reasonably expected to see the signs.

(f) Prior to implementing any of the above actions, the school and/or the school district must provide the students with due process.

## **(2) OTHER CRIMINAL OFFENSES**

### **(a) Criminal Offenses Other Than Weapons Possession or Use**

1. Disciplinary action shall also be taken against students involved in criminal offenses other than weapons possession and use. Conduct that violates this section includes serious gang activity, battery, extortion, robbery, sexual assault, arson, bomb threats, possession or ownership and use of illegal drugs or alcohol, possession with intent to distribute illegal drugs or alcohol, and hazing.

2. An expulsion recommendation shall be made for the following verified offenses:

- a. Battery — unprovoked/~~unanswered~~ intentional physical contact without consent causing bodily harm;
- b. ~~Assault~~ Attempted Battery — a physical attempt to cause bodily harm to another person without making physical contact. ~~where there is a show of force that causes reasonable fear or apprehension of immediate bodily harm;~~
- c. Sexual Assault — intentional bodily contact of a sexual nature that occurs without the explicit consent ~~of the recipient;~~
- ~~d.~~ d. Engaging in Sexual Activity - Engaging in sexual activity on school grounds or during school activities including, but not limited to, touching private body parts of another person (buttocks, groin, and/or breasts); and/or removing of one's clothing to engage in sex.
- ~~e.~~ e. Possession/~~Possession~~ with Intent to Distribute Illegal Drugs or Alcohol — ~~Selling, giving away, or otherwise transferring to another person any controlled substance or alcohol, including any transfer of a prescription drug or any substance alleged to be a drug, regardless of its actual content.~~ Possessing, possessing with intent to distribute, selling, giving away, transferring, having under one's control, or using any alcoholic beverages, controlled substances, THC in any format, or intoxicants.

3. The length of the expulsion period shall be recommended by the Administration.

### **(b) Drug Offenses**

1. Such offenses include, but are not limited to, drug use on school grounds, possession of drugs (with or without the intent to distribute or deliver), possession of drug paraphernalia, possession of alcohol, or the use of alcohol on school grounds.

2. Disciplinary action shall range from a Central Services conference to an expulsion recommendation.

### **(c) Gang Activity**

1. Gang activity includes, but is not limited to, participation in the criminal activity organized by a gang, hostile interaction between members of a gang, and the disruption or intimidation caused by such activity.

2. Gang activity also includes, but is not limited to, the display of colors, clothing, jewelry, or symbols associated with a gang.

3. A student found participating in gang activity shall be recommended for removal from his/her present school and reassigned to another Milwaukee Public School. After the second offense, the student shall be reassigned to a Milwaukee Public School alternative school.

### **(d) Extortion, Robbery, Arson**

Depending on the action level of the offenses, such students may be:

- allowed to continue in the assigned school (elementary, middle, or high);
- reassigned to another school (elementary);
- reassigned to a Milwaukee Public School behavioral-reassignment program (elementary [grades 6-8], middle, and high);
- recommended for expulsion (elementary [grades 6-8], middle, and high).

**(e) Hazing**

1. Hazing is defined as the intentional practice of rituals, challenges, and other activities involving harassment, abuse, or humiliation used as a way of initiating a person into a group. Such acts endanger the physical health or safety of the person being hazed.

2. Under these circumstances, prohibited acts may include any brutality of a physical nature, such as whipping; beating; branding; forced consumption of any food, liquor, drug, or other substance; forced confinement; or any other forced activity which endangers the physical health or safety of the student.

3. Depending on the seriousness action level of the offense, such students may be:

- allowed to continue in the assigned school (elementary, middle, or high);
- reassigned to another school (elementary);
- reassigned to a Milwaukee Public School behavioral-reassignment program;
- recommended for expulsion (elementary [grades 6-8], middle, and high).

**(f) Bomb Threats and Terrorist Threats**

1. The Board recognizes that bomb threats and terrorist threats are of significant concern to the district. Whether real and carried out or intended as a prank or for some other purpose, such threats represent a potential danger to the safety and welfare of students and staff and to the integrity of school property. These types of threats disrupt the instructional program and learning environment and also place demands on schools' financial resources and public-safety services. These effects occur even when such threats prove to be false.

2.. No person shall make, or communicate by any means, whether verbal or non-verbal, a threat that a bomb has been, or will be, placed on school premises. Because of the potential for evacuation of the schools and other disruption of school operations, placement of a bomb or of a "look-alike" bomb on school premises will be considered a threat for the purpose of this policy.

3. It is also a violation of this policy to communicate by any means that any toxic or hazardous substance or material has been placed, or will be placed, on school premises with the intent to endanger the safety and welfare of students or staff and/or to disrupt the operations of the schools. For the purpose of this policy, "toxic or hazardous substance or material" means any material or substance, including biomedical materials or organisms, that, when placed as threatened, could be harmful to humans.

- a. A "bomb" is an explosive, incendiary or poison gas bomb, grenade, rocket, missile, mine, Molotov cocktail, or other destructive device.
- b. A "look-alike bomb" is any apparatus or object that conveys the appearance of a bomb other destructive device.
- c. A "bomb threat" is the communication, by any means, whether verbal or non-verbal, that a bomb has been, or will be, placed on school premises, including possession or placement of a bomb or look-alike bomb on school premises.
- d. "School premises" means any school property and any location where any school activities may take place
- e. "Terrorist threat" means:
  - 1. the intent to prevent the occupation, or cause the evacuation of, a building, dwelling, school premises, vehicle, facility of public transportation, or place of public assembly, or any room within a building, dwelling, or school premises;
  - 2. the intent to cause public inconvenience;
  - 3. the intent to cause public panic or fear;

4. the intent to cause an interruption or impairment of school operations, including communication, transportation, the supply of water, gas, or other public service;
  5. the creation of an unreasonable and substantial risk of causing a result described in par. (a), (b), (c), or (d), immediately above, and awareness of that risk.
4. Staff members and students shall be responsible for informing the building administrator regarding any information or knowledge relevant to a possible or actual bomb threat or terroristic threat or act.
  5. When an administrator has conducted an investigation and has evidence that a student has made a bomb threat, a terroristic threat, or committed a terroristic act, the following guidelines shall be applied:
    - a. The building principal shall immediately suspend the student.
    - b. The building principal shall promptly report the incident to the regional superintendent and the senior director of Student Services.
    - c. Based on further investigation, the incident shall be reported to law-enforcement officials.
    - d. The student shall be recommended for expulsion.
  6. If a student is expelled for making terroristic threats or committing terroristic acts, the Board may require that, prior to readmission, the student provide competent and credible evidence that the student does not pose a risk or harm to others.

### **(3) STUDENT EXPULSION HEARINGS**

- (a) Students recommended to the Independent Hearing Officer for expulsion shall be given a hearing as required by state law. (The Officer may expel a student for a certain length of time.)
- (b) Students expelled from the Milwaukee Public Schools shall be offered educational services, which may include online academic support.
- (c) If the Independent Hearing Officer determines that a student who is receiving educational services for an expellable offense has committed another expellable offense, that student may be expelled with online academic support.

### **(4) INDEPENDENT HEARING OFFICER**

- (a) Student expulsions from the Milwaukee Public Schools shall be ordered by an Independent Hearing Officer in accordance with Administrative Policy 8.33, Student Expulsion: Independent Hearing Officer.
- (b) In accordance with state law, no person may be designated to participate in the expulsion hearing if he or she has had any involvement in the incident that led to the expulsion proceedings.

### **(5) BEHAVIORAL-REASSIGNMENT SCHOOLS**

- (a) Students expelled with educational services from the Milwaukee Public Schools shall be offered educational services at a behavioral-reassignment school. Exceptions may apply for students that have demonstrated a pattern of repeated behaviors resulting in injury to staff and students.
- (b) After being assigned to a behavioral-reassignment school by the student services supervisor, the student and his/her parent shall be requested to sign an educational contract which describes the behavior, attendance, and academic requirements which the student must maintain while in the behavioral-reassignment school. When the student has shown progress in attendance, academic achievement, and behavior and is ready to return to a traditional school, the student services supervisor shall make the appropriate assignment. in consultation with the parent.

### **(6) SPECIALIZED SERVICES**

The disciplinary procedures for students with Individualized Education Programs (IEPs) are guided by state and federal laws and the due-process rights afforded these students and their parents. Decisions

are made within the context of (IEP) teams and require the involvement of the Division of Specialized

Services. For serious offenses, the specialized services supervisor shall be contacted and informed about the behavioral incident.

**(7) ADMINISTRATIVE TRANSFERS TO ALL SCHOOLS**

- (a) When it is deemed most appropriate to reassign a student to another school, the assignments shall be appropriate to the student's needs and shall not jeopardize the safety and security of the school. Assignment of the administrative transfers to all schools where waiting lists exist is consistent with the district's student-assignment policies. (Administrative transfers may supersede the waiting lists.)
- (b) Administrative transfers to all schools may be above and beyond the regular enrollment of that particular school. The Administration shall make an equitable attempt to distribute the administrative transfers throughout the district.
- (c) Once a student has had an administrative transfer for behavioral reasons, the student services supervisor may elect to place the student on probation for the remainder of the semester. If the student breaks the probationary provision of the assignment, the student shall be referred to the Department of Student Services for appropriate disciplinary action.

**(8) APPLICATION — K-8 SCHOOLS**

All students in 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> grades, regardless of the grade configurations of the schools which they attend, shall be considered middle-school students for the purpose of the program options.

**(9) MONITORING AND EVALUATION**

A report of the Independent Hearing Officer shall be presented to the Board on a monthly basis.

**(10) RECORDS**

Records pertaining to criminal offenses of students shall be maintained in a manner that enables data-driven decision making.

**History:** Adopted 1-3-8; revised 1-29-86, 1988; reaffirmed 3-29-95; revised 6-18-97, 1-31-02, 2-23-04, 8-30-12, 9-18-14, 5-31-18

**Previous Coding:** Admin. Policy JFCJ, prior to May 1995; Admin. Policy 10.23, May 1995-August 1996  
**Cross Ref.** Admin. Policy 8.28 Student Discipline