

WEAPONS AND DANGEROUS INSTRUMENTS

The Board of Education recognizes that students and staff have the right to a safe and secure campus free from physical and psychological harm and desires to protect them from the dangers presented by firearms and other weapons.

(cf. 0450 – Comprehensive Safety Plan)
(cf. 3515.3 – District Police/Security Department)
(cf. 5116.1 - Intradistrict Open Enrollment)
(cf. 5131 - Conduct)
(cf. 5138 – Conflict Resolution/Peer Mediation)

Possession of Weapons

The Board prohibits any students from possessing weapons, imitation firearms, or dangerous instruments, *as defined in law and administrative regulation*, ~~of any kind~~ in school buildings, on school grounds or buses, at school-related or school-sponsored activity away from school, or while going to or coming from school.

Under the power granted to the Board to protect the safety of students, staff, and others on district property and to maintain order and discipline in the schools, any school employee is authorized to confiscate any prohibited weapon, dangerous instrument or imitation firearm from any person on school grounds.

(cf. 4158/4258/4358 – Employee Security)

Students possessing or threatening others with a weapon, dangerous instrument or imitation firearm ~~are~~ *shall be* subject to suspension and/or expulsion in accordance with law, Board policy and administrative regulations. ~~The Board may modify the expulsion requirement on a case-by-case basis.~~

(cf. 5144 – Discipline)
(cf. 5144.1 – Suspension and Expulsion/Due Process)
(cf. 5144.2 – Suspension and Expulsion/Due Process [Individuals with Disabilities])

The principal or designee shall notify law enforcement authorities when any student possesses a firearm, explosive, or other prohibited weapon or dangerous instrument without permission, sells or furnishes a firearm, or commits any act of assault with a firearm or other weapon. (20 USC 7151; Education Code 48902; Penal Code 245, 626.9, 626.10)

(cf. 3515.2 – Disruptions)

Possession of Pepper Spray

The Board recognizes that students age 16 or older may legally possess tear gas or tear gas weapons such as pepper spray for the purpose of self-defense. However, to prevent potential misuse that may harm students or staff, students are prohibited from carrying such items on campus or at school activities.

WEAPONS AND DANGEROUS INSTRUMENTS (continued)**Reporting of Dangerous Objects**

The Board encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

(cf. 5125 - Student Records)

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The *Superintendent or designee also shall inform* strategy shall also provide a method of informing staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

*Legal References:*EDUCATION CODE

35291 Governing board to prescribe rules for discipline of the schools

48900 Grounds for suspension/expulsion

48902 Notification of law enforcement authorities

48915 Required recommendation for expulsions

48916 Readmission

49330-49335 Injurious object

PENAL CODE

245 Assault with deadly weapon

417.4 Imitation firearm; drawing or exhibiting

626.9 Gun-Free School Zone Act of 1995

626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school or on school grounds; exception

~~653k Soliciting a minor to commit certain felonies~~

653k Switchblade knife

16100-17350 Definitions

22810-23025 Tear gas weapon (pepper

spray) 25200-25225 Firearms, access to children

30310 Prohibition against ammunition on school grounds

UNITED STATES CODE, TITLE 20

6301-7941 No Child Left Behind Act; especially:

~~7151 Gun-Free Schools Act~~

7961 Gun Free Schools Act

*Management Resources:*CSBA PUBLICATIONS

Safe Schools: Strategies for Governing Boards to Ensure Student Success, Third Edition, October 2011

CALIFORNIA DEPARTMENT OF EDUCATION COMMUNICATIONS

0401.01 Protecting Student Identification in Reporting Injurious Objects

WEAPONS AND DANGEROUS INSTRUMENTS (continued)

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act, January 2004

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss>

National Alliance for Safe Schools: <http://www.safeschools.org>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Office of Safe and Drug Free Schools: <http://www.ed.gov/about/offices/list/osdfs>

Policy amended: August 30, 2019

Policy amended: March 1, 2012

Policy amended: March 5, 2009

Policy amended: February 20, 2003

Policy adopted: June 7, 2001

Students

AR 5131.7 (a)

WEAPONS AND DANGEROUS INSTRUMENTS

Prohibited weapons and dangerous instruments include, but are not limited to:

(Education Code 48915, 49330; Penal Code 626.10, 16100-17350, 30310)

1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns", "stun guns", tasers and any other device capable of propelling a projectile by the force of an explosion or other form of combustion
2. *Ammunition or reloaded ammunition*
3. Knives, razor blades and box cutters, any dirks, daggers, ice picks or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 2½ inches, folding knives with a blade that locks into place and razors with an unguarded blade
~~(Education Code 48915; Penal Code 626.10)~~
4. Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids and other hazardous devices
5. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure or spring action, or any spot marker gun
~~(Penal Code 626.10)~~
6. Any other dangerous device, instrument or weapon, including those defined in Penal Code 12020, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon
7. Any imitation firearm, defined as a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm ~~(Education Code 48900; Penal Code 12550)~~

Any employee may take any weapon or dangerous instrument from the personal possession of a student while the student is on school premises or under the authority of the District. (Education Code 49331, 49332)

(cf. 5145.12 – Search and Seizure)

In determining whether to take possession of the weapon or dangerous instrument, the employee shall use his/her own judgment as to the dangerousness of the situation; and, based upon this analysis, shall do one of the following:

1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action

WEAPONS AND DANGEROUS INSTRUMENTS (continued)

3. Immediately notify the local law enforcement agency and the principal

(cf. 0450 – Comprehensive Safety Plan)

(cf. 3515.3 – District Security Department)

(cf. 4158/4258/4358 - Employee Security)

When informing the principal about the possession of a weapon or dangerous instrument, the employee shall report the name(s) of persons involved, witnesses, location and the circumstances of the possession.

The principal shall report any possession of a weapon or dangerous instrument, the student's parents/guardians by telephone or in person, and shall follow this notification with a letter.

The principal shall retain possession of the instrument until the risk of its use as a weapon has dissipated or, upon the request of the student's parent/guardian, until the parent/guardian appears and personally takes possession. (Education Code 49331, 4932)

Regulation amended: August 30, 2019

Regulation amended: May 20, 2010

Regulation amended: March 5, 2009

Regulation approved: June 7, 200