

# Board Policy

BP 5131.7

## Students

### Weapons And Dangerous Instruments

The Governing Board desires students and staff to be free from the danger presented by firearms and other weapons.

(cf. 3515.3 - District Police/Security Department)

### Possession of Weapons

The Board prohibits any person other than authorized law enforcement or security personnel from possessing weapons, imitation firearms, or dangerous instruments of any kind in school buildings, on school grounds or buses, or at a school-related or school-sponsored activity away from school, or while going to or coming from school.

\*\*\*Note: As amended by the No Child Left Behind Act, 20 USC 7151 allows firearms on school grounds when (1) the firearm is lawfully stored in a locked vehicle and (2) the principal authorizes possession for approved activities and the district has adopted appropriate safeguards to ensure student safety. Federal law is consistent with Penal Code 626.10 which authorizes students to possess certain weapons with written permission of the principal when necessary for a school-sponsored activity or class. \*\*\*

\*\*\*Note: The remainder of this section is for use by all districts.\*\*\*

Students possessing without permission or threatening others with a weapon, dangerous instrument or imitation firearm are subject to suspension and/or expulsion in accordance with law, Board policy and administrative regulations.

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

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

(cf. 0450 - Comprehensive Safety Plan)

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

\*\*\*Note: Pursuant to 20 USC 7151, any district receiving federal funds under the No Child Left Behind Act is mandated to have a policy requiring that any student who brings a firearm to school be referred to the criminal justice or juvenile delinquency system. This mandate reinforces Education Code 48902, which requires the principal or designee to notify law enforcement authorities of violations of Penal Code 245, 626.9 and 626.10. Education Code 48902 states that willful failure to make this report is punishable by a fine. During Coordinated Compliance Reviews, California Department of Education (CDE) staff will expect to see policy language regarding referral to law enforcement, as specified below.\*\*\*

The principal or designee shall notify law enforcement authorities when any student possesses a weapon without permission 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)

#### Possession of Pepper Spray

\*\*\*Note: Penal Code 12403.8 allows minors age 16 or older to purchase and possess tear gas or tear gas weapons for purposes of self-defense if they are accompanied by a parent/guardian or have the written consent of their parent/guardian. Option 1 below, for use by districts that allow students to bring such defense items to school, reflects the fact that a student can be disciplined under Education Code 48900 or 48915 if such an item is not used in self-defense. Option 2 is for use by districts that prohibit students from bringing such items to school.\*\*\*

To prevent potential misuse that may harm students or staff, students are prohibited from carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities.

#### Reporting of Dangerous Objects

\*\*\*Note: Education Code 49335 required the CDE to develop a system, for use by districts, to shield the identity of and provide protection to students who report the presence of "injurious objects" on school grounds. Pursuant to Education Code 49330, an "injurious object" is capable of inflicting substantial bodily damage as defined in Penal Code 653k, 12001, 12020, 12220, 12401 and 12402. These weapons include, but are not limited to, firearms, knives, metal knuckles and explosives.\*\*\*

\*\*\*Note: The "system" developed by the CDE pursuant to Education Code 49335 is a directive for districts to review their policies to ensure that district policy has been adopted which implements the student reporting protections. The CDE emphasized that all staff, students and parents/guardians should be informed of the requirement that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.\*\*\*

\*\*\*Note: The following section should be modified to reflect district practice.\*\*\*

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 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.

(cf. 5138 - Conflict Resolution/Peer Mediation)

Legal Reference:

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 objects

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

12001 Control of deadly weapons

12020-12036 Unlawful carrying and possession of concealed weapons

12220 Unauthorized possession of a machinegun

12401 Tear gas

12402 Tear gas weapon

12403.7 Weapons approved for self defense

12403.8 Minors 16 or over; tear gas and tear gas weapons

12555 Imitation firearms

UNITED STATES CODE, TITLE 20

6301-7941 No Child Left Behind Act; especially:

7151 Gun-Free Schools Act

Management Resources:

CDE COMMUNICATIONS

0401.01 Protecting Student Identification in Reporting Injurious Objects

CSBA PUBLICATIONS

911: A Manual for Schools and the Media During a Campus Crisis, 2001

Protecting Our Schools: Governing Board Strategies to Combat School Violence, 1999

WEB SITES

California Attorney General's Crime and Violence Prevention Center:

<http://www.safestate.org>

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

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

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

National School Safety Center: <http://www.nssc1.org>

U.S. Department of Education, Safe Schools:

<http://www.ed.gov/about/offices/list/osers/osep/gtss.html>

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**Gravenstein Union School District  
Sebastopol, California**