

OSBA Model Sample Policy

Presented for a First Reading at the CGESD Meeting of the Board on 08172022

Code: GBJ

Adopted:

Weapons in Schools - Staff *

Employees, ~~ESD district~~ contractors and/or their employees and ~~ESD district~~ volunteers shall not possess a dangerous or deadly weapon or firearm on ~~ESD district~~ property or at ~~ESD or ESD program school-~~sponsored events. This prohibition includes those who may otherwise be permitted by law to carry such weapons.

For purposes of this policy, as defined by state and federal law, weapon includes:

1. “Dangerous weapon” means any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;
2. “Deadly weapon” means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. “Firearm” means any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon, any firearm silencer or any other destructive device including any explosive, incendiary or poisonous gas.

Weapons under the control of law enforcement personnel are permitted.

The superintendent will ensure notice of this policy is provided.

Employees in violation of this policy will be subject to discipline up to and including dismissal. Individuals contracting with the ~~ESD district~~ and volunteers will be subject to appropriate sanctions. A referral to law enforcement may be made.

CGESD Recommended Addition from the July 13, 2022 Board Meeting:

Any employee who may feel unsafe, please contact the Human Resources Office.

END OF POLICY

Legal Reference(s):

[ORS 161.015](#)

[ORS 166.210 to -166.370](#)

[ORS 332.107](#)

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2012).

Doe v. Medford Sch. Dist. 549C, 232 Or. App. 38, 221 P3d 787 (2009).

OSBA Model Sample Policy

Presented for a First Reading at the CGESD Meeting of the Board on 08172022

Code: KGBB

Adopted:

Firearms Prohibited

{Oregon law has allowed members of the public possessing a concealed carry license to carry firearms on district property in accordance with ORS 166.370(3)(g). Senate Bill (SB) 554 (2021) allows districts to prohibit even those with concealed carry licenses from carrying firearms by adopting a policy and posting notice at entry points.

OSBA considers this policy to be conditionally required because if the district wants to prohibit concealed carry licensees from carrying firearms on district property, the district must adopt a policy. If the district does not want to limit concealed carry licensees, the district does not need to adopt this policy.}

No person on grounds ~~of the schools~~ controlled by the Board (including ~~in school~~ buildings), will possess any firearm¹, except when said firearm is possessed by a person who is not otherwise prohibited from possessing the firearm, and is unloaded and locked in a motor vehicle. The exception provided in Oregon Revised Statute (ORS) 166.370(3)(g) for concealed carry licensees (see ORS 166.291 and 166.292) does not apply to the possession of firearms on grounds ~~of the schools~~ controlled by the Board.² Firearms under the control of law enforcement personnel are permitted. The superintendent may authorize other persons to possess weapons for courses, programs, and activities when in compliance with law and board policy.

Any person violating or threatening to violate the above rules, as determined by the **ESD district**, may be issued a trespass citation, ejected from the premises, and referred to law enforcement officials³.

{The district will post clearly visible sign(s) at all normal points of entry to the ~~school~~ grounds subject to this policy indicating that the affirmative defense described in ORS 166.370(3)(g) does not apply. The **ESD district** will post on the **ESD's district's** web pages designated for school board operations, identifying designated **ESD school** grounds that are subject to this policy.}

END OF POLICY

Legal Reference(s):

[ORS 161.015](#)

[ORS 164.245](#)

[ORS 164.255](#)

[ORS 166.210 - 166.370](#)

[ORS 297.405](#)

[ORS 332.107](#)

[ORS 332.172](#)

[ORS 339.315](#)

Gun-Free Schools Act, 20 U.S.C. § 7961 (2018).

Senate Bill 554 (2021).

¹ “Firearm” has the meaning given that term in ORS 166.210, except that it does not include a firearm that has been rendered permanently inoperable.

² See Senate Bill 554 (2021).

³ ORS 339.315 requires any district employee with reasonable cause to believe that a person is in possession of a firearm within a school or has possessed a firearm within a school in violation of Oregon law in the previous 120 days report such information to an administrator or law enforcement. A district employee with reasonable cause to believe that a person is in possession of a firearm within a school or has possessed a firearm within a school in the previous 120 days in violation of Oregon law, may report such information to law enforcement.