

Policy 5131.7: Weapons And Dangerous Instruments

Status: ADOPTED

Original Adopted Date: 11/16/2016

The Governing Board 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. 5116.1 - Intradistrict Open Enrollment)

(cf. 5131 - Conduct)

Possession of Weapons

The Board prohibits any student from possessing weapons, imitation firearms, or other dangerous instruments, as defined in law and administrative regulation, in school buildings, on school grounds or buses **when using district provided transportation**, at school-related or school-sponsored activities away from school, or while going to or coming from school.

If a student is in possession of a prohibited weapon, imitation firearm, or dangerous instrument which creates a threat or perceived threat of a homicidal act, any employee or other school official who is alerted to or observes such threat shall immediately report the threat to law enforcement.

(Education Code 49390/49393)

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, imitation firearm, or dangerous instrument from any student on school grounds.

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. (Education Code 48902; Penal Code 245, 626.9, 626.10; 20 USC 7961)

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

Unless ~~he/she~~ **a student** has obtained prior written permission as specified below, a student possessing or threatening others with any weapon, dangerous instrument, or imitation firearm shall be subject to suspension and/or expulsion in accordance with law, Board policy, and administrative regulations.

All staff shall be made aware of their responsibilities regarding the reporting of potential homicidal acts to law enforcement, and receive training in the assessment and reporting of such threats.

(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. (Education Code 48902; Penal Code 245, 626.9, 626.10; 20 USC 7151)~~

(cf. 3515.2 - Disruptions)

~~Under this policy, the District grants permission to an employee who desires to possess a firearm, imitation firearm, or other prohibited weapon on school grounds if such person is a lawful holder of a valid and current Carrying Concealed Weapons (CCW) permit issued by a local law enforcement authority in California, provided the CCW does not have restrictions imposed by the issuing authority relative to possession of a firearm on public property, and has received prior written permission from the Superintendent. Such permission shall be conditional upon peaceful and lawful activity by the possessor at all times. Permission may be revoked at any time by verbal notice to an individual, or by written posting of a notice at the District Office giving notice to all persons of revocation of permission.~~

~~Regardless of possession of a concealed carry weapon permit a private persons may not possess a firearm, imitation firearm, or other prohibited weapon on school grounds.~~

Advance Permission for Possession of a Weapon for Educational Purposes

The parent/guardian of a student who desires to possess a firearm, imitation firearm, or other prohibited weapon on school grounds for an educational purpose shall **submit a written request to the principal**, at least five school days in advance of the planned possession, ~~submit a written request to the principal~~ which explains the planned use of the weapon and the duration. ~~The student shall also submit~~ **together with** a written explanation from the staff person responsible for the school-sponsored activity or class.

The principal may grant permission for such possession when ~~he/she determines that~~ **it is determined that possession of a firearm, imitation firearm or other prohibited weapon on school grounds** is necessary for a school-sponsored activity or class or as part of the educational program. Factors that shall be considered include, but are not limited to, the planned use of the weapon, the duration and location of the planned use, whether an audience is expected, and any perceived adverse effects to the safety and well-being of students or staff. If the principal grants such permission, ~~he/she shall provide~~ the student and staff person **shall be provided** with a written explanation regarding any limitations and the permissible duration of the student's possession.

When the principal or designee grants permission, ~~he/she shall take~~ all necessary precautions **shall be taken** to ensure the safety of all persons on school grounds **and the safe keeping of the weapon**, including, but not limited to, inspecting a firearm to verify that no live ammunition is present. Any **permitted** ~~weapon allowed~~ shall be stored in a locked vehicle or in an appropriate, locked container before and after its authorized use.

~~Any~~ student granted permission to possess a weapon may be suspended and/or expelled if ~~he/she possesses or uses~~ the weapon **is possessed or used** inappropriately.

Possession of Pepper Spray

When accompanied by a parent/guardian or with the written consent of a parent/guardian, 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, such students shall be subject to suspension and/or expulsion if they use such items inappropriately or for any purpose other than self-defense.

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 also inform 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.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Ed. Code 35291	Governing board to prescribe rules for discipline of the schools
Ed. Code 48902	Mandatory notification of law enforcement authorities
Ed. Code 48915	Required recommendation for expulsions
Ed. Code 48916	Readmission
Ed. Code 48980	Parent/Guardian notifications
Ed. Code 49330-49335	Injurious objects
Ed. Code 49390-49395	Homicide threats
Pen. Code 16100-17360	Definitions
Pen. Code 22810-23025	Tear gas weapon (pepper spray)
Pen. Code 245	Assault with deadly weapon
Pen. Code 25200-25225	Firearms; access to children
Pen. Code 30310	Prohibition against ammunition on school grounds

Pen. Code 417.4

Pen. Code 626.10

Pen. Code 626.9

Federal

20 USC 6301-8961

20 USC 7961

6 USC 665k

Management Resources

CSBA Publication

U.S. Department of Education
Publication

Website

Website

Website

Website

Website

Website

Website

Website

Website

Imitation firearm; drawing or exhibiting

Dirks, daggers, knives, razor or stun gun; bringing or
possessing in school

Gun-Free School Zone Act of 1995

Description

No Child Left Behind Act

Gun-Free Schools Act

Federal Clearinghouse on School Safety Evidence-Based
Practices

Description

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

Guidance Concerning State and Local Responsibilities Under
the Gun-Free Schools Act, 2018

[U.S. Department of Homeland Security, Fusion Centers](#)

[California State Threat Assessment System](#)

[CSBA District and County Office of Education Legal Services](#)

[U.S. Department of Education, Safe Schools](#)

[National Alliance for Safe Schools](#)

[National School Safety Center](#)

[U.S. Department of Education, Office of Safe and Drug Free
Schools](#)

[California Department of Education, Safe Schools](#)

[CSBA](#)

Cross References

Code

0450

0450

1313

3515

3515

3516.2

Description

[Comprehensive Safety Plan](#)

[Comprehensive Safety Plan](#)

[Civility](#)

[Campus Security](#)

[Campus Security](#)

[Bomb Threats](#)

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5137	Positive School Climate
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5144.1	Suspension And Expulsion/Due Process
5144.2	Suspension And Expulsion/Due Process (Students With Disabilities)
5145.12	Search And Seizure
5145.12	Search And Seizure
6184	Continuation Education
6184	Continuation Education