

MODESTO CITY SCHOOLS

Board Policy

BP 5131.7

STUDENTS

Weapons and Dangerous Instruments

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.

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, 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.

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)

Unless a student has obtained prior written permission from the site principal, 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.

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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.

Possession of Pepper Spray

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

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.

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 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 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

48980 Parent/Guardian notifications

49330-49335 Injurious objects

49390-49395 Homicide threats

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

16100-17350 Definitions

22810-23025 Tear gas weapon (pepper spray)

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Legal Reference (cont.):

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:

7961 Gun-Free Schools Act

UNITED STATES CODE, TITLE 6

665k Federal Clearinghouse on School Safety Evidence-Based Practices

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

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>

U.S. Department of Homeland Security, Fusion Center: <https://www.dhs.gov/fusion-centers>

California State Threat Assessment System: <https://calstas.org/>

CSBA District and County Office of Education Legal Services: <https://legalservices.csba.org/>

U.S. Department of Education, Safe Schools: <https://oese.ed.gov/>

Cross References (cf.):

0450 – Comprehensive Safety Plan

1313 – Civility

3515 – Campus Security

3515.2 – Disruptions

3515.3 – District Police/Security Department

3515.31 – School Resource Officers (N/A)

3515.7 – Firearms On School Grounds (N/A)

3516.2/6114.2 – Bomb Threats

4158/4258/4358 – Employee Security (N/A)

5116.1 – Intradistrict Open Enrollment

5125 – Student Records

5131 – Conduct

5131.41 – Use Of Seclusion and Restraint

5136 – Gangs (N/A)

5136 – Class Rings and Pins

5137 – Positive School Climate

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Cross References (cf.) (cont.):

5138 – Conflict Resolution/Peer Mediation (N/A)

5138 – Electronic Signaling or Communication Devices

5141.4 – Child Abuse Prevention And Reporting

5144 – Discipline

5144 – Subpoena Power, Expulsion Proceedings

5144.1 – Suspension And Expulsion/Due Process

5144.2 – Suspension And Expulsion/Due Process (Students With Disabilities)

5145.12 – Search And Seizure

6184 – Continuation Education

ADOPTED: April 15, 2019

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