

MODESTO CITY SCHOOLS

Administrative Regulation

AR 5131.7

STUDENTS

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, machineguns, "zip guns," "stun guns," tasers, cane guns, camouflaging firearms, and any other device from which is expelled through a barrel and 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 (or concealed dirks or daggers), cane swords, 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 3 ½ inches, folding knives with a blade that locks into place, switchblade knives, and razors with an unguarded blade
4. Explosive and/or incendiary devices: pipe bombs, time bombs, rockets or rocket propelled projectile launchers, cap guns, bullets containing or carrying an explosive agent, containers of inflammable fluids, and other hazardous devices or concealed explosive substances
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
6. Any other dangerous device, instrument, or weapon, including those defined in Penal Code 16000-34370, 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

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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)

In determining whether to take possession of the weapon or dangerous instrument, the employee shall use the employee's own judgment as to the dangerousness of the situation and, based upon this analysis, shall take one of the following actions:

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

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 to the student's parents/guardians by telephone, in person, or by letter.

The employee 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, 49332)

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

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Weapons and Dangerous Instruments

Legal Reference (cont.):

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:

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

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Cross References (cf.)(cont.):

5136 – Gangs (N/A)

5136 – Class Rings and Pins

5137 – Positive School Climate

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

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