

**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.

- (cf. 0450 - Comprehensive Safety Plan)
- (cf. 3515.3 – District Police/Security Department)
- (cf. 5116.1 - Intradistrict Open Enrollment)
- (cf. 5131 - Conduct)
- (cf. 5138 - Conflict Resolution/Peer Mediation)

**Possession of Weapons**

The Board prohibits any person other than authorized law enforcement or security personnel from possessing weapons, imitation firearms, or other dangerous instruments, as defined in law and administrative regulation, 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.

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.

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

A student 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)

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)

**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.

**WEAPONS AND DANGEROUS INSTRUMENTS (continued)**

**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 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.

**Legal Reference:**

**EDUCATION CODE**

35291 Governing Board to prescribe rules for the government and 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

417.2 Imitation firearms

417.4 Imitation firearm; drawing or exhibiting

626.9 Gun-Free School Zone Act of 1995

626.10.1 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

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:

7151 Gun-Free Schools Act

**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, “zip guns,” “stun guns,” tasers, and any other device 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 other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade longer than 2 1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade.
4. Explosive and/or incendiary devices: pipe bombs, time bombs, cap guns, containers of inflammable fluids, and other hazardous devices.
5. Any instrument that expels a projectile, such as a paintball, 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 12020, including a blackjack, slingshot, billy, nanchaku, 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.
6. 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.

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)

(cf. 5145.12 - Search and Seizure)

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

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.

**WEAPONS AND DANGEROUS INSTRUMENTS** (continued)

(cf. 0450 - Comprehensive Safety Plan)  
(cf. 3515.3 - District/Police Security Department)  
(cf. 4158/4258/4358 – Employee Security)

When informing the principal about the possession or seizure of a weapon or dangerous device, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of any seizure.

The principal shall report any possession of a weapon or dangerous instrument to the student's parents/guardians by telephone or in person, and shall follow this notification with a 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)