

## **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 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, 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.

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

Unless he/she 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.

*(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)

## **WEAPONS AND DANGEROUS INSTRUMENTS (continued)**

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. 3515.2 - Disruptions)*

### **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, 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 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 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 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 to ensure the safety of all persons on school grounds, including, but not limited to, inspecting a firearm to verify that no live ammunition is present. Any weapon allowed shall be stored in a locked vehicle or in an appropriate, locked container before and after its authorized use.

A student granted permission to possess a weapon may be suspended and/or expelled if he/she possesses or uses the weapon inappropriately.

### **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.

*(cf. 5125 - Student Records)*

**WEAPONS AND DANGEROUS INSTRUMENTS** (continued)

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*

*49330-49335 Injurious objects*

*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*

*653k Switchblade knife*

*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*

*Management Resources: next page*

**WEAPONS AND DANGEROUS INSTRUMENTS (continued)**

*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/lr/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>

Policy  
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**VISALIA UNIFIED SCHOOL DISTRICT**  
Visalia, California

**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, 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 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 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 12020, 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

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 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

**WEAPONS AND DANGEROUS INSTRUMENTS** (continued)

3. Immediately notify the local law enforcement agency and the principal

*(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 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 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)

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