

WEAPONS AND DANGEROUS INSTRUMENTS

The Monterey County Board of Education (County Board) recognizes that students and staff have the right to a safe and secure campus free from psychological and physical harm and desires to protect them from the dangers presented by firearms and other weapons.

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

Possession of Weapons

The County Board prohibits any student from possessing weapons, imitation firearms, or dangerous instruments of any kind 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.

Unless he/she has obtained prior written permission as specified below, any student who is determined to have brought a firearm to school or possessed a firearm at school, as verified by a school employee, shall be expelled for not less than one year, except that the County Board may set an earlier date for readmission on a case-by-case basis, in accordance with County Board policy and administrative regulation. (20 USC 7151; Education Code 48915)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))

Students possessing or threatening others with any weapon, dangerous instrument, or imitation firearm shall be subject to suspension and/or expulsion in accordance with law, County Board policy, and administrative regulations.

Under the power granted to the County Board to maintain order and discipline in the schools and to protect the safety of students, staff, and the public, any school employee is authorized to confiscate a weapon, dangerous instrument, or imitation firearm from any student on school grounds.

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

The principal or designee shall notify law enforcement authorities when any student possesses a firearm, explosive, or other dangerous weapon or instrument without permission, sells or furnishes a firearm, or commits any act of assault with a firearm or other weapon. (20 USC 7151; Education Code 48902; Penal Code 245, 626.9, 626.10)

(cf. 3515.2 - Disruptions)

After the student has been referred to the proper law enforcement agency and has either been released or adjudicated, his expulsion may be suspended and he may be placed in another MCOE alternative facility.

Advance Permission for Possession of a Weapon for Educational Use

A student who desires to possess a firearm, imitation firearm, or other prohibited weapon on school grounds for an educational purpose shall request prior permission from the principal at least five school days in advance of the planned possession. The student's parent/guardian shall provide written permission explaining 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.

On a case-by-case basis, the principal shall determine whether to grant permission for such possession when 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 County 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 Monterey County Superintendent of Schools (County Superintendent) or designee is expected to 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 County Superintendent or designee also should 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.

(cf. 5138 - Conflict Resolution/Peer Mediation)

Legal Reference:

EDUCATION CODE

35291	<i>Governing board to prescribe rules for discipline of the schools</i>
48900	<i>Grounds for suspension/expulsion</i>
48902	<i>Notification of law enforcement authorities</i>
48915	<i>Required recommendation for expulsions</i>
48916	<i>Readmission</i>
49330-49335	<i>Injurious objects</i>

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BP 5131.7

PENAL CODE

245	<i>Assault with deadly weapon</i>
417.4	<i>Imitation firearm; drawing or exhibiting</i>
626.9	<i>Gun-Free School Zone Act of 1995</i>
626.10	<i>Dirks, daggers, knives, razor or stun gun; bringing or possessing in school</i>
653k	<i>Soliciting a minor to commit certain felonies</i>
12001	<i>Control of deadly weapons</i>
12020-12036	<i>Unlawful carrying and possession of concealed weapons</i>
12220	<i>Unauthorized possession of a machine gun</i>
12401-12404	<i>Tear gas</i>
12550-12556	<i>BB devices and imitation firearms</i>

UNITED STATES CODE, TITLE 20

6301-7941	<i>No Child Left Behind Act, especially:</i>
7151	<i>Gun-Free Schools Act</i>

Adopted: 8/04/99

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