

Weapons on District Property

Weapons or realistic replicas of weapons that could be reasonably mistaken for real weapons will not be permitted on any property of the district, whether said property is owned, leased, rented or temporarily under the control of the district, except as hereinafter allowed. For the purposes of this policy, weapons shall include, but not be limited to:

1. “Dangerous weapon” - any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;
2. “Deadly weapon” - any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. “Firearm” - any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon or any firearm silencer;
4. “Destructive device” - any device with an explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device which is designed primarily or redesigned primarily for use as a signaling, pyrotechnic, line throwing, safety or similar device.
5. “Weapons by design” - firearms; knives; lasers, stun guns, metal knuckles; straight razors; explosives; noxious, irritating or poisonous gases; poisons; drugs; or other items fashioned for the purpose, among other uses, to injure, harm, threaten or harass, or kill another person.

Appropriate disciplinary and/or legal action will be taken against any unauthorized person who, while on district property, possesses or assists possession in any way, of a weapon or a realistic replica of a weapon as defined under “Weapons by design.”

Possession of a weapon as defined in this policy, which results in disciplinary action, will be reported to appropriate law enforcement officials.

The district shall deny entrance to students expelled from other schools for weapons violations.

Students bringing weapons or realistic replicas on district property, or possessing, concealing or using weapons or realistic replicas on district property will be reported to the student’s parents, suspended

pending expulsion and then expelled for a period of not less than one year. The superintendent or designee may, on a case-by-case basis, modify this expulsion requirement.

Special education students shall be disciplined in accordance with federal law and policies and procedures approved by and on file with the Oregon Department of Education.

Law enforcement officers only are authorized to carry loaded or unloaded weapons on district property. Any loaded or unloaded firearm or weapon or realistic replica thereof possessed on or about a person other than a law enforcement officer while on district property will be subject to seizure and forfeiture.

The superintendent or designee may make specific exceptions in the policy regarding possession on district property. In special and unusual circumstances, the superintendent or designee may authorize specific possession of weapons on a case-by-case basis.

In accordance with Oregon law, any employee who has reasonable cause to believe a student or other person has, within the previous 120 days, unlawfully been in possession of a firearm or destructive device as defined by this policy, shall immediately report such violation to an administrator, his/her designee or law enforcement. Employees who report directly to law enforcement shall also immediately inform an administrator.

Administrators shall promptly notify the appropriate law enforcement agency of staff reports received and at any other time there is reasonable cause to believe violations have occurred or that a student has been expelled for bringing, possessing, concealing or using a dangerous or deadly weapon, firearm or destructive device. Parents will be notified of all conduct by their student that violates this policy.

Employees shall promptly report all other conduct prohibited by this policy to an administrator.

END OF POLICY

Legal Reference(s):

ORS 161.015	OAR 581-021-0050 to -0075
ORS 166.210 - 166.370	OAR 581-053-0010 (5)
ORS 166.382	OAR 581-053-0015 (7)(k)
ORS 332.107	OAR 581-053-0545 (4)(c),(w)
ORS 339.115	OAR 581-053-0550 (5)(y)
ORS 339.240	
ORS 339.250	
ORS 339.260	
ORS 339.315	
ORS 339.327	
ORS 809.060	
ORS 809.260	

Weapons on District Property – JFCJ
(continued)

Gun-Free School Zone Act of 1990, 18 U.S.C. Sections 921(a)(25), (26) and 922(q); as amended by P.L. 104-208, Section 101(f) (1996) and P.L. 103-322, Section 320904 (1994).

Education of the Handicapped Act of 1975, as amended, 20 U.S.C. Sections 1400-1427, as amended and renamed Individuals with Disabilities Education Act (IDEA), P.L. 101-476, 104 Stat 1103 (1990), as amended P.L. 105-17 (1997). [P.L. 94-142 is a well-known “short” reference to this federal legislation.]

Youth Handgun Safety Act, 18 U.S.C. Sections 922(x) and 924(a)(6).

Cross Reference(s):

JFCM - Threats of Violence