

8467 – ~~PROHIBITION OF WEAPONS~~

As part of its commitment to providing an educational environment that is safe, secure and conducive to learning, the Board of Education prohibits the possession and/or use of firearms, other weapons or instruments that can be used as weapons, on school property, on a school bus, at any school-sponsored function, or while en route to or from school or any school-sponsored function. A decision to bring a weapon into a school environment endangers the school community and undermines the purposes that our schools serve. Pupils found to have violated this policy shall be subject to significant, punitive disciplinary action.

Terms

For the purpose of this policy "weapon" is defined as anything capable of inflicting physical harm. This definition includes, but is not limited to, all:

1. Firearm, which includes any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device or instrument in the nature of a weapon from which may be fired or ejected any solid projectable ball, slug, pellet, missile or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which is in the nature of an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person. N.J.S.A. 2C:39-1f. The term "firearm" also means (A) 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; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm. 18 U.S.C. 921(3). The definition also includes firearms, which are even though not loaded or which lacking a clip or other component to render them immediately operable and imitation firearms which are objects or devices reasonably capable of being mistaken for a firearm;
2. components that can be readily assembled into a weapon;
3. knives, including switchblades, daggers, dirks, stilettos, pocket knives, billies, blackjacks, bludgeons, chains, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood;
4. box cutters, razors;
5. stun guns, and any weapon or other device which projects, releases, or emits tear gas or any other substance which produces temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.

Reports to Superintendent and law enforcement authorities

Any student or school employee who has reasonable grounds to suspect the presence of a weapon prohibited by this policy shall immediately report his/her suspicion to the principal, who shall immediately notify the superintendent. The principal shall conduct an appropriate search

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in accordance with Policy 5770 and confiscate any weapon discovered in the course of the search. He/she shall, if appropriate and feasible, summon the aid of law enforcement officers in the conduct of the search. Any school employee who confirms the presence of a weapon under circumstances that place persons at serious risk may confiscate the weapon immediately and may use such force as is reasonable and necessary to obtain possession.

Unless the weapon has been taken into custody by a law enforcement officer, the principal shall immediately store any confiscated weapon in a securely locked box or container and report the presence of the weapon to the Superintendent. The Superintendent shall promptly notify, by telephone call and by letter, the Chief of Police of the municipality in which the school district is located that a weapon is present on school premises; the notice shall request removal of the weapon by an authorized law enforcement officer. The Superintendent shall obtain and file a receipt for any weapon removed by a law enforcement officer.

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~~Any student found or observed on school property, on a school bus, or at a school-sponsored function in possession of a weapon shall be reported to the principal or the principal's designee immediately. Except as set forth below, the principal shall remove the pupil immediately from the school's regular education program pending a hearing before the Board. The principal shall promptly inform the Superintendent and provide all known information concerning the matter, including the identity of the student involved. As required by law, the Superintendent shall notify the appropriate law enforcement officials. The Superintendent may, at his/her discretion, notify law enforcement officials when not required by law, as he/she deems appropriate.~~

Disciplinary action required

Disciplinary action shall be taken against students who are found to have possessed, handled, transmitted or used weapons. As described in Board policies 5600, 5610, 5611 and 5620, due process will be provided, including the right to a formal hearing before the Board.

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Any student who possesses, uses, or exchanges a weapon in violation of this policy shall be subject to stringent discipline, which may include long term suspension or expulsion. Any student or school employee who suspects or knows of the presence of a weapon in violation of this policy and fails to report the same shall be subject to discipline. Any person who possesses a weapon on school premises or school transportation or at a school-sponsored function shall be reported to the appropriate law enforcement agency.

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Any student who is convicted or is an adjudicated delinquent for possession of a firearm or who is found to be in possession of a firearm on school property must be immediately removed from the regular education program and provided with an alternative program, pending a hearing before the Board of Education. Students convicted or found to be delinquent for possessing a firearm on school property, on a school bus, or at a school-sponsored function or committing a crime while possessing a firearm shall be immediately removed from the regular education program for a period of not less than one calendar year and placed in an alternative education school or program pending a hearing before the Board of Education to remove the student. (N.J.S.A. 18A:37-17 through 12).
~~Firearms possession on any school property, on a school bus, at a school-sponsored function or while en route to or from school or any school-sponsored function will result in removal for a period of not less than one calendar year. When warranted, the maximum penalty of expulsion from school may be imposed. Except as set forth below, a pupil found to have~~

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possessed a weapon other than a firearm shall be suspended from school for a minimum of two calendar months.

Any student who commits an assault upon members of the school community with a weapon other than a firearm on school property must be immediately removed from the regular education program and provided with an alternative program, pending a hearing before the Board of Education. (N.J.S.A. 18A:37-17 through 12)

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A limited exception to the reporting and disciplinary action requirements may be provided when circumstances warrant. Where mitigating circumstances exist, the principal shall consult with the Superintendent, who may grant the principal the discretion to impose a penalty within the principal's authority. In such cases the Board of Education shall be notified in writing no later than the end of the month in which the exception is granted.

The Superintendent or his/her designee shall determine whether a pupil who completes a long-term suspension for a firearms offense is prepared to return to the regular education program. If the Superintendent or his/her designee determines that the pupil is not prepared to return to the regular education program at that time, the pupil shall remain on home instruction, in an alternative education program, or in another suitable facility or program in accordance with procedures established by the Commissioner of Education.

Students with disabilities violating the provisions of this policy shall be dealt with in accordance with Policy No. 2460 and Regulation No. 2460.6.

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Nothing in this policy shall be construed to prohibit the reporting of a crime committed by a child with a disability to the appropriate law enforcement or judicial authorities, or to prevent such authorities from exercising their responsibilities with regard to the application of Federal or State law to crimes committed by a child with disabilities.

Implementation and Publication of Policy

The Board directs the Superintendent to develop and publish regulations to implement this policy. At the beginning of each school year, all students and their parents or guardians shall be provided with materials that explain this policy, its requirements and the consequences for pupils who violate the policy and the regulations that support it.

The Superintendent, or designee, shall prepare regulations to implement this policy for the guidance of school staff in dealing with incidents involving weapons in the school district.

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N.J.S.A. 2C:39-1 et seq.; 2C:58-6.1; 2C:58-15
N.J.S.A. 18A:6-1
N.J.S.A. 18A:37-17 through 37-12
N.J.S.A. 23:4-16
N.J.A.C. 6A:14-2.8 et seq.
N.J.A.C. 6A:16-5.5; 6A: 16-5.6
18 U.S.C. 921(3)
20 U.S.C 1415

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~~N.J.S.A. 2C:39-1 et seq.; 2C:58-6.1; 18A:37-2.1 through 12; 23:4-16~~
~~18 U.S.C. 921~~

Cross Reference: 2460, 5600, 5610, 5611, 5612, 5620

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