

BEND-LA PINE SCHOOLS

Administrative School District No. 1

Deschutes County, Oregon

ADMINISTRATIVE POLICY

Name: Weapons in the Schools (Students)

Section: Required Policies

Code: JFCJ-AP

Students shall not bring to, possess, conceal or use a weapon or firearm in a school or on school property under the jurisdiction of the school district, or to activities under the jurisdiction of the district, or interscholastic activities administered by a voluntary organization (i.e., Oregon School Activities Association).

The District has a zero-tolerance policy for Firearms.

For the purposes of this policy, and as defined by state and federal law, weapon includes:

1. "Firearm" – firearm means 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; the frame or receiver of any such weapon; or any firearm muffler or silencer; or any destructive device, as defined by 18 USC 921.
2. "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. Such devices include: bomb, grenade, rocket (with a propellant charge of more than four ounces), mine, missile (with a charge of more than one-quarter ounce), or similar devices. A destructive device does not include any device that is designed primarily or redesigned primarily for use as a signaling, pyrotechnic, line throwing, safety or similar device.
3. "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;
4. "Deadly weapon" – any weapon, instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
5. Weapons may also include, but are not limited to: knives, metal knuckles, straight razors, noxious or irritating gases, poisons, fireworks, unlawful drugs or other items fashioned with the intent to use, sell, harm, threaten or harass students, staff members, parents and patrons.

Replicas of weapons or any similar instrument, the use of which, could inflict injury upon any other person are also prohibited by Board policy.

Any student determined to have violated this Board policy with respect to weapons shall be subject to discipline in accordance with Board Policy JG Student Conduct and Discipline, including suspension or expulsion. Any student determined to have violated this Board policy with respect to Firearms shall be expelled for a period of not less than one year. The Superintendent may modify the Firearms expulsion requirement for a student on a case-by-case basis. The district may also request suspension of the student's driving privileges or the right to apply for driving privileges with the Oregon Department of Transportation, as provided by law.

Exceptions to this policy may be allowed in the following circumstances:

1. For courses, programs and activities approved by the school district that are conducted on school property, including but not limited to hunter safety courses, Reserve Officer Training Corps programs, firearm-related sports or firearm-related vocational courses; and

2. Exceptions identified by and adopted by the State Board of Education by rule.

The Superintendent may propose alternative programs of instruction or instruction combined with counseling for a student that are appropriate and accessible to the student. If alternative programs are appropriate for a student, the superintendent shall ensure that information about programs of instruction or instruction combined with counseling is provided in writing to the student and the parent, legal guardian or personal in parental relationship with the student at least once every six months, or at any time the information changes because of the availability of new programs.

In accordance with Oregon law, any employee who has reasonable cause to believe a student or other person has unlawfully been in possession of a firearm or weapon 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 weapon or firearm. Parents will be notified of any conduct by their student that is in violation of this policy.

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

The district shall, for the remaining period of an expulsion, deny admission to the regular school program to a student who is expelled from another school district for applicable weapons or firearms law violations.

Special education students shall be disciplined in accordance with federal law and Board policy JGDA/JGEA, Discipline of Disabled Students, and accompanying administrative regulations.

The District shall provide an annual report to the Department of Education of the name of each school that had an expulsion under this policy and the number of students expelled from each school.

END OF POLICY

Legal References:

ORS 161.015
ORS 166.210 – 370
ORS 166.382
ORS 332.107
ORS 339.115
ORS 339.240
ORS 339.250
ORS 339.260
ORS 339.315
ORS 339.327
ORS 809.060
ORS 809.260

OAR 581-021-0050 to 0075

OAR 581-053-0010(5)

OAR 581-053-0015(7)(k)

OAR 581-053-0545(4)(c),(w)

OAR 581-053-0550(5)(v)

Gun-Free School Zone Act of 1990, 18 U.S.C., §§ 921(a)(25)-(26), 922(q) (2006)

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1427 (2006)

Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (2006)

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).

Reviewed: 1/14/97, 10/26/99, 2/27/07, 4/24/12, 5/8/12, 8/19/14

Approved: 10/8/96, 5/22/12, 9/9/14