

Weapons in the Schools

Under state and federal law, expulsion from school is required for a period of not less than one year (12 calendar months) for any student who is determined to have brought a weapon to school, possessed, concealed or used weapon at school or on district property or at an activity under the jurisdiction of the district or brought to, possessed, concealed or used a weapon at an interscholastic activity administered by a voluntary organization approved by the State Board of Education under ORS 339.430. The district may deny alternative education if the student has been expelled for a weapon offense ORS 339.250 (9). This policy shall allow an exception for courses, programs and activities approved by the district that are conducted on district property, including but not limited to hunter safety courses, Reserve Officer Training Corps programs, weapons-related sports or weapons-related vocational courses. The superintendent may modify the expulsion requirement for a student on a case-by-case basis. The policy shall require a referral to the appropriate law enforcement agency of any student who is suspended and/or brought to expulsion under this subsection.

Dangerous Weapon

Dangerous weapon is defined in Oregon law, ORS 161.015 (1), as any weapon, device, instrument, material, or substance which, under the circumstance in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or serious physical injury to a person, ORS 161.015 (5). Included, but not limited to this list are guns, pistols or revolvers, rifles, BB guns (that expel steel, lead, plastic or rubber BB's), blow gun, starter gun, knives, clubs, etc.

Deadly Weapon

“Deadly weapon” is defined in Oregon law, ORS 161.015 (2), as any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury to a person.

Firearm/Destructive Device

Firearm is defined in federal law, 18 U.S.C. 921, as any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by action of an explosive frame or receiver of any such weapon, any firearm, silencer or any destructive device.

Any 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.

Prohibited weapons are subject to seizure or forfeiture.

In accordance with Oregon law, any employee who has reasonable cause to believe 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.

Students found to have brought, possessed, concealed or used a firearm in violation of this policy or state law shall be expelled for a period of not less than one year. All other violations of the policy will result in discipline up to and including expulsion and/or referral to law enforcement, as appropriate.

In accordance with Oregon law, the superintendent may request that the driving privileges of the student or the right to apply for driving privileges be suspended for no more than one year for any student who has been expelled for bringing a weapon to school or suspended or expelled at least twice for assaulting or menacing a district employee or another student, for willful damage or injury to district property or for use of threats, intimidation, harassment or coercion against a district employee or another student.

A second such request for subsequent violation may result in suspension of driving privileges or the right to apply for driving privileges until the student is age 21. A meeting with the parent or guardian will be held prior to submitting any request to the Department of Transportation.

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

Weapons under the control of law enforcement personnel or a person who has a valid license under ORS 166.291 and 166.292 are permitted. The superintendent may authorize other persons to possess weapons for courses, programs and activities approved by the district and conducted on district property including, but not limited to, hunter safety courses, weapons-related vocational courses or weapons-related sports.

The district may post a notice at any site or premise off district grounds that at the time is being used exclusively for a school program or activity. The notice shall identify the district as the sponsor, the activity as a school function and that the possession of firearms or dangerous weapons in or on the site or premises is prohibited under ORS 166.370.

In accordance with the federal Gun-Free School Zone Act, possession or discharge of a firearm in a school zone is prohibited. A "school zone," as defined by federal law, means in or on school grounds or within 1,000 feet of school grounds.

"Gun-Free School Zone" signs may be posted in cooperation with city and/or county officials as appropriate. Violations, unless otherwise accepted by law or this policy, shall be reported to the appropriate law enforcement agency.

Admission of Resident Student Expelled from Prior District

If the student was suspended for a violation of another district's policy regarding weapons, our district must deny that student admission to our school's regular program for at least one calendar year from the date of the expulsion and if the expulsion is for more than one calendar year, may for the remaining period of time deny admission to the regular school program to a student who is expelled under expulsion from another district for an offense that constitutes a violation of a district policy adopted pursuant to ORS 339.250 (6). The district has the discretion to offer or not offer an alternative education program. (See ORS 339.115 (10)).

END OF POLICY

Legal Reference(s):

[ORS 161.015](#)
[ORS 166.210](#) to -166.370
[ORS 166.382](#)
[ORS 332.107](#)
[ORS 339.115](#)
[ORS 339.240](#)
[ORS 339.250](#)

[ORS 339.315](#)
[ORS 339.327](#)
[ORS 809.135](#)
[ORS 809.260](#)

[OAR 581-021-0050](#) to -0075

[OAR 581-053-0010\(5\)](#)
[OAR 581-053-0230\(9\)\(k\)](#)
[OAR 581-053-0330\(1\)®](#)
[OAR 581-053-0430\(17\)](#)
[OAR 581-053-0531\(16\)](#)
[OAR 581-053-0630](#)

Gun-Free School Zones 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).

Cross Reference(s):

JFCM - Threats of Violence
JGDA/JGEA - Discipline of Students with Disabilities