

McMinnville School District #40

Code: JFCJ
Adopted: 4/10/95
Revised/Readopted: 9/11/95; 12/13/99; 9/13/04;
6/11/07; 7/09/12; 2/08/16
Orig. Code: JFCJ

Weapons in the Schools**

No person shall bring, possess, conceal or use a weapon on district property, or at activities under the jurisdiction of the district or interscholastic activities administered by a voluntary organization approved by the State Board of Education (i.e., Oregon Schools Activities Association).

Weapons under the control of law enforcement personnel are permitted. The Superintendent may authorize other persons to possess weapons for courses, programs, or 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.

Definitions

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

1. “Dangerous weapon” (must meet all three below –
 - a. Any weapon, device, instrument, material or substance,
 - b. Which under the circumstances in which it is used, attempted to be used or threatened to be used; and
 - c. 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.

Replicas, Fireworks and Pocket Knives

Replicas of weapons, fireworks and pocket knives are also prohibited by Board policy. Exceptions to the District’s replicas prohibitions may be granted only with prior approval from the superintendent or superintendent’s designee for certain curriculum or school-related activities.

Prohibited weapons, replicas of weapons, fireworks and pocket knives are subject to seizure or forfeiture. Possession and/or use of such items may result in disciplinary action up to and including expulsion.

Mandatory Reports to Law Enforcement

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.

The identify of a person participating in a good faith effort to comply with this reporting law shall remain confidential and may not be disclosed by any school employee, law enforcement agent, or district attorney.

Administrators shall promptly notify the appropriate law enforcement agency when:

1. Receiving staff reports of possible violations as described above
2. Any other time there is reasonable cause to believe violations as described above have occurred, or
3. When a student has been expelled for bringing, possessing, concealing or using a 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.

Disciplinary Consequences

Expulsion:

1. Students found to have brought, possessed, concealed or use a dangerous or deadly weapon, firearm or destructive device in violation of this policy shall be expelled for a period of not less than one year.
2. All other violations of the policy will result in discipline up to and including expulsion and/or referral to law enforcement as appropriate.
3. The Superintendent may, on a case-by-case basis, modify this expulsion requirement.

Driving Privileges:

The district may also request suspension of a student's driving privileges or the right to apply for driving privileges with the Oregon Department of Transportation, as provided by law.

Assisting Others:

Appropriate disciplinary and/or legal action will be taken against students or others who assist in activity prohibited by this policy.

Special Education Students:

Special education students shall be disciplined in accordance with federal law and Board policy, and accompanying administrative regulations.

Gun-Free School Zone Act:

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.

An exception to this policy shall be for persons not employed by the school district possessing a valid concealed handgun license and an employee who serves in a district Safety Manager assignment who has prior permission from the superintendent to carry a concealed handgun. Criteria to be evaluated by the Superintendent prior to approval of the Safety Manager’s ability to serve as an armed security professional in district facilities will include the employee’s work experience related to law enforcement or other safety fields requiring use of firearms, the employee’s certification levels through the Department of Public Safety Standards Training (DPSST), state and/or federal authorization and licensure for the individual to carry a concealed handgun and other documentation that may be requested by the superintendent.

However, such persons who have a valid concealed handgun license and are in possession of a weapon in the settings and situations above must ensure that the weapon is concealed at all times and in a manner that would not lead to the disruption of a school setting, activity or environment. For example, while a handgun may be placed in a holster or other carrying device, the sight of the holster itself could lead to disruption in a school setting and would therefore also need to be concealed.

Violations, of this policy, shall be reported to the appropriate school administrator and law enforcement agency.

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 of 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.

END OF POLICY

Legal Reference(s):

ORS 161.015	ORS 339.315	OAR 581-053-0230(9)(k)
ORS 166.210 to -166.370	ORS 339.327	OAR 581-053-0330(1)(r)
ORS 166.382	ORS 809.135	OAR 581-053-0430(17)
ORS 332.107	ORS 809.260	OAR 581-053-0531(16)
ORS 339.115		OAR 581-053-0630
ORS 339.240	OAR 581-021-0050 to -0075	
ORS 339.250	OAR 581-053-0010(5)	

Gun-Free School Zones 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). Safe and Drug-Free Schools and Communities Act, 20 U.S.C. Sections 7101-7117.

Cross Reference(s):

JFCM - Threats of Violence

JGDA/JGEA - Discipline of Students with Disabilities