

Multnomah Education Service District

Code: **JFCJ**
Adopted: 9/20/94
Revised/Readopted: 12/20/94; 12/20/05; 2/15/11;
6/18/13; 2/18/14

Weapons**

Students shall not bring, possess, conceal or use a weapon at any time while on MESD property or in MESD buildings, on property, in buildings or in classrooms leased by MESD or at MESD-sponsored activities on or off MESD premises, activities under the jurisdiction of the MESD or interscholastic activities administered by a voluntary organization approved by the State Board of Education (i.e., Oregon School Activities Association).

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

1. “Dangerous weapon” means 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” means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. “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, frame or receiver of any such weapon, and firearm silencer or any destructive device;
4. “Destructive device” means any explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into a 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.

Weapons may also include, but not be limited to, knives, metal knuckles, straight razors, noxious, irritating or poisonous gases, poisons, 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, fireworks, and pocket knives are also prohibited by Board policy. Exceptions to the MESD’s replicas prohibition may be granted only with prior approval by the superintendent or designee for certain curriculum or MESD related activities. Violations will result in appropriate discipline.

Prohibited weapons, replicas of weapons, fireworks, and pocket knives are subject to seizure or forfeiture.

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.

A student found to have brought, possessed, concealed or used a firearm on property under the jurisdiction of the MESD or at any activity under the jurisdiction of the MESD in violation of this policy or state law will be referred to the student's component district and expelled from all MESD programs for a period of not less than one year. The component district superintendent may also request suspension of a student's driving privileges or the right to apply for driving privileges with the Oregon Department of Transportation. The weapon or dangerous weapon shall be seized and is subject to forfeiture. The superintendent may modify the period of expulsion on a case-by-case basis.

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

Weapons under the control of law enforcement personnel are permitted. The superintendent may authorize other persons to possess weapons for courses, programs and activities approved by the MESD and conducted on MESD property.

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.

The superintendent shall ensure that a student's possession or use of a dangerous weapon will be reported to the student's parent(s), the component district in which the student is enrolled and be reported to the police.

END OF POLICY

Legal Reference(s):

[ORS 161.605](#)
[ORS 166.210 to-370](#)
[ORS 166.382](#)
[ORS 334.125\(7\)](#)
[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](#)
[OAR 581-053-0230\(9\)\(k\)](#)
[OAR 581-053-0330\(1\)\(r\)](#)
[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).

MESD Cross Reference(s):

ECA - Security of Buildings and Grounds
EEA - Student Transportation Services
JE - Attendance
JEC - School Admissions**
JFC - Student Conduct
JFCC - Student Conduct on Buses/Vehicles
JFCM - Workplace Violence
JG - Student Discipline
JGB - Detention of Students**
JGD - Suspension**
JGDA/JGEA - Discipline of Students with Disabilities**
JGE - Expulsion**
JH - Student Welfare