

## Weapons in Schools

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 any conduct by their student that violates this policy.

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

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.

"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.

For educational purposes, administration may authorize exceptions to this policy, which must be obtained prior to bringing the weapon onto school property, through a formal written process.

1. Prohibited Conduct: Carrying, bringing, handling, transmitting, using or possession of any weapons or replicas of weapons on school premises, or aiding or assisting in such conduct, is prohibited.
2. Seizure/Forfeiture: Any weapon possessed on or about a person while on school premises is subject to seizure or forfeiture.
3. Referral: Students in violation of this policy shall be promptly reported to the student's parents and to the police.
4. Screening: Any student who is found to have violated this policy will be screened by using the process outlined under the Marion/Polk County Violence Intervention Process, prior to re-admittance.
5. Disciplinary Action: Violation of this policy shall require that the students be suspended forthwith and that proceedings for the expulsion of the student involved be initiated immediately by the building principal or designee. At the superintendent's discretion, he/she may also request suspension of the student's driving privileges or the right to apply for driving privileges.
6. Duration: Any student in violation of this policy shall be expelled from school for a period of not less than one year. The superintendent may consider mitigating factors, including but not limited to

the criteria set forth below, and modify the expulsion requirement for a student on a case-by-case basis. The criteria considered as mitigating factors shall be included in the findings of fact. Modification of an expulsion term may include the imposition of probation under express terms and conditions specified in the written determination. The board, upon review, may affirm, modify or rescind the term of expulsion and terms and conditions of probation. In the case of weapon-related misconduct, if the board determines that in Superintendent's findings of fact that the student committed the misconduct is accurate, the board's appellate authority is limited to affirming the discipline imposed, or remanding the matter to the hearing officer with a recommendation for modification or dismissal of the discipline.

7. Alternative Education: The Superintendent has the authority to offer alternative education to students violating the weapons policy. The determination to offer alternative education will be based on the severity of the violation, the age of the student, and the behavior history of the student.
8. Exceptions: Weapons under the control of law enforcement personnel are permitted as well as individuals who are licensed or otherwise authorized under state or federal law to carry loaded or unloaded firearms. Those so authorized must report their possession of such firearms upon entry of any school building or facility. Report shall be made to the building principal or other school official in charge of the building or facility.
9. Special Education: A child with disabilities recognized by Section 504 of the 1973 Rehabilitation Act, 29 U.S.C. et seq., or the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400, et seq., has a right to all procedures established in the law and accompanying federal and state regulations. If the student is identified as a child with disabilities either under the IDEA or Section 504, a determination must be made whether the child's conduct in violating the policy is related to the disability. The student's record and master file will reflect the disability and document the determination as to whether the violation is associated with the disability. If the violation of the policy is due to the disability recognized by the IDEA or Section 504, IDEA procedures for changes in placement must be followed prior to initiating suspensions of greater than 120 days. Further, if the student has prior suspensions in the school year, which would cause the student to be suspended during the school year for a total of more than 10 days with the additional sanction, the student's record must be reviewed to determine if these suspensions are related to a disability. Change of placement procedures must be followed if this suspension would result in the student being suspended for more than 10 days due to a disability. Notwithstanding the above, a student with disabilities may be placed in an alternative educational setting for up to 45 days when permitted by the IDEA.
10. Mitigating Factors:
  - a. Culpability of student requires consideration of the following criteria:
    - i. The student's age;
    - ii. The likely ability to form the intent to use the weapon in any manner given the student's emotional and mental development; and
    - iii. The intent in having the weapon on campus, i.e., whether the student had the weapon on campus for display, for self protection, to transmit it to another student, or to use it as a threat or to assault someone with it.
  - b. Element of danger requires consideration of the following criteria:
    - i. Prior school or criminal record related to weapons threats, extortion, and assaults;
    - ii. Type of weapon and its capacity to inflict serious injury or death; and

- iii. Threats or other evidence that the student intended to use the weapon.
- c. Degree of harm caused required consideration of the following criteria;
  - i. Anyone was physically injured;
  - ii. Anyone was directly threatened or property extorted by the use of the weapon;
  - iii. School property or personal property of others was damaged; and
  - iv. Students, school employees, or parents were aware of the presence of the weapon on the school campus.

11. Definitions: As used in this policy:

- a. "School premises" means school building, school grounds, school parking lots, school buses or any premises, grounds or vehicles used for official school purposes and any vehicle on school premises.
- b. "Weapons" shall include, but shall not be limited to: Dangerous or deadly weapons; firearms, including firearms as defined in 18 U.S.C. 1921, knives; metal knuckles; straight razors; explosives; noxious, irritating, or poisonous gases; poisons; drugs or other items fashioned with the intent to use, sell, harm, threaten or harass students, staff members, parents and patrons.
- c. "Dangerous Weapon" means any weapon, device, instrument, material or substance, which under the circumstances in which it used, attempted to be used, or threatened to be used is readily capable of causing death or serious physical injury.
- d. "Deadly weapon" means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury.
- e. "Replica" weapons include toy, fake, similar look-a-like, and what purports to be weapons.
- f. "Firearms" under 18 U.S.C. 921 include the following:
  - i. 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;
  - ii. The primary receiver of any such weapon; and/or
  - iii. Any firearm muffler or firearm silencer.

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.

END OF POLICY

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**Legal Reference(s):**

[ORS 161.015](#)  
[ORS 166.210 - 166.370](#)  
[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 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).