

## **Weapons in the Schools Guidelines for Administrators**

### **Purpose**

To determine the level of discipline when a student has violated district policies JFCJ – Weapons in the Schools and JFCM – Threats of Violence.

### **Definitions**

“Weapons” as defined by state and federal law shall include, but not be limited to, firearms, 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/or patrons.

1. “Dangerous weapon” is any weapon, device, instrument, material or substance, animate or inanimate, 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” is any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. “Firearm” is any instrument, article or substance specifically 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” is 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.

Students found to have brought, possessed, concealed or used a dangerous or deadly weapon, firearm or destructive device in violation of Board policy JFCJ – Weapons in the Schools shall be expelled for a period of not less than one year. The superintendent may, on a case-by-case basis, modify the expulsion requirement.

Only the superintendent can modify expulsion requirements for weapons violations, but principals may determine if a violation has occurred by applying the definition of weapon, dangerous weapon, or deadly weapon on a case-by-case basis.

An example of a situation that may not require a superintendent level decision, but a principal level remedy, is if a student without the threat of a search claims he unknowingly brought a pocket knife to school in a backpack. The principal through interviewing the student and investigating the situation determines the following:

1. The weapon definition of intent to use, sell, harm, threaten or harass students, staff members, parents and/or patrons did not occur and therefore does not apply;
2. The dangerous weapon definition of 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 did not occur and therefore does not apply;
3. The deadly weapon definition of any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury was interpreted in this situation as not applicable because the pocket knife blade was closed and not immediately capable of causing death or serious physical injury.

The design interpretation is more difficult. Under Oregon Law ORS 166.360 Definitions (5)(b) “weapon” is clarified to exclude “an ordinary pocket knife” from the weapon definition.

ORS 166.240 (2) has language further defining design and capacity. It reads in part “any person who carries concealed upon the person any knife having a blade that projects or swings into position by force of a spring or by centrifugal force.”

In the example, the language in the statutes supports a recommendation to follow a course of action other than expulsion, but it is wise to seek another opinion from fellow administrators and others (i.e., SRO, counselor).

The principal must have evidence that would support his/her decision if contested.

In this example, the principal concludes the knife is not designed or capable of causing death or serious physical injury.

1. Firearm definition does not apply.
2. Destructive device does not apply.

Based on this information and other factors (i.e., age, behavior, attendance, etc.) the principal may determine to handle the incident at the building level.

All weapons violations must be reported to the superintendent.

Providing information to the superintendent for modification of the expulsion requirements is the responsibility of the building principal. The Student Referral for a Weapon Violation form is designed to help the administrator in making his/her decision.

## Student Referral for a Weapon Violation

These questions serve as a guide for the investigating administrator in determining the consequences for a student who may have violated the district's weapons and violence policies. Refer to the above definitions and/or Board policies JFCJ – Weapons in the Schools and JFCM – Threats of Violence when answering each question.

1. Does it meet the weapon definition in Board policy JFCJ?  Yes  No

Explain: \_\_\_\_\_  
\_\_\_\_\_

If yes, answer question 3.

2. If not a weapon, is it a replica of a weapon?  Yes  No

Explain: \_\_\_\_\_  
\_\_\_\_\_

If yes, answer question 4.

3. Does the weapon meet the deadly or dangerous weapon definition in Board policy JFCJ?  
 Yes  No

Explain: \_\_\_\_\_  
\_\_\_\_\_

4. Was the weapon, or replica, visible to others?  Yes  No

Explain: \_\_\_\_\_  
\_\_\_\_\_

5. If not visible, was the weapon or replica, purposely placed out of sight or made unrecognizable?  
 Yes  No

Explain: \_\_\_\_\_  
\_\_\_\_\_

6. Did the student threaten to use the weapon, or replica, on self or others?  Yes  No

Explain: \_\_\_\_\_  
\_\_\_\_\_

7. Was there a targeted list of students, staff, or others?  Yes  No

Explain: \_\_\_\_\_  
\_\_\_\_\_

8. If the student did not threaten self or others, did he/she demonstrate threatening behavior or acts of violence, including threats to severely damage school property?  Yes  No

Explain: \_\_\_\_\_  
\_\_\_\_\_

9. Results of threat or risk assessment:

a. Potential harm to self? \_\_\_\_\_

b. Potential harm to others? \_\_\_\_\_

c. Additional information: \_\_\_\_\_  
\_\_\_\_\_

10. Principal's recommendation for further action: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ (Initial)

(A copy of this form and a summary of the event shall be sent as an attachment to the superintendent's office.)