

**Willamette Education
Service District**

Code: **JFCJ**
Adopted: 7/8/03
Readopted: 3/8/05; 7/13/10
Orig. Code(s): None

Weapons in the Schools

Weapons and replicas of weapons are forbidden on ESD property, activities under the jurisdiction of the ESD or interscholastic activities administered by a voluntary organization approved by the State Board of Education (i.e., Oregon School Activities Association). Weapons for the purpose of this policy mean 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 or is used in a threatening or aggressive manner.

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

1. “Dangerous weapon” - 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” - 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, 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.

Weapons may include, but not be limited to, firearms, knives, metal knuckles, razors, explosives, fireworks, destructive devices (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), 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, or patrons.

Any loaded or unloaded firearm or dangerous weapon possessed on or about a person while on ESD property is subject to seizure or forfeiture.

Violation of this policy may result in exclusion from ESD programs. Students found to have violated the ESD's zero-tolerance weapons policy and students found to have brought, possessed, concealed, or used a dangerous or deadly weapon, firearm, or destructive device on property under the jurisdiction of the ESD will be referred to the student's component school district for expulsion by that district for a period of not less than one year or for a period determined by the component school district Superintendent.

Special education students shall be disciplined in accordance with federal law and Board policy. Appropriate disciplinary and/or legal action will be taken against students or others who assist in activity prohibited by this policy.

If a student is excluded for violation of this policy, the ESD must report specific information in accordance with the "Gun-Free Schools Act of 1994." 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 excepted by law or this policy, shall be reported to the appropriate law enforcement agency.

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.

Weapons under the control of law enforcement personnel are permitted on ESD property. The Superintendent may authorize other persons to possess weapons in ESD buildings. The Superintendent may prescribe special conditions or procedures to be followed before giving such authorization.

END OF POLICY

Legal Reference(s):

[ORS 161.605](#)

[ORS 166.382](#)

[ORS 334.125\(7\)](#)

[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](#)

[OAR 581-053-0015](#)

[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).

Cross Reference(s):

JFCM - Threats of Violence

JGDA/JGEA - Discipline of Students with Disabilities