

Students
WEAPONS AND DANGEROUS INSTRUMENTS

AR 5131.7(a)

Prohibited weapons and dangerous instruments include, but are not limited to: (Education Code 48915, 49330; Penal Code 626.10, 16100-17360, 30310)

1. Firearms: pistols, revolvers, shotguns, rifles, "zip guns," "stun guns," tasers, cane guns, camouflaging firearms, and any other device which is expelled through a barrel and capable of propelling a projectile by the force of an explosion or other form of combustion
2. Ammunition or reloaded ammunition
3. Knives, razor blades, and box cutters: any dirks, daggers or concealed dirks or daggers) cane swords, ice picks, or other weapons with a fixed, sharpened blade fitted primarily for stabbing, weapons with a blade fitted primarily for stabbing, weapons with a blade longer than 2-1/2 inches, folding knives with a blade that locks into place, and razors with an unguarded blade
4. Explosive and/or incendiary devices: pipe bombs, time bombs, rockets or rocket propelled projectile launchers, cap guns, bullets containing or carrying an explosive agent, containers of inflammable fluids, and other hazardous devices
5. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, carbon dioxide pressure, or spring action, or any spot marker gun
6. Any other dangerous device, instrument, or weapon including those defined in Penal Code 1600-34370, including a blackjack, slingshot, billy, nunchaku, sandclub, sandbag, metal knuckles, or any metal plate with three or more radiating points with one or more sharp edges designed for use as a weapon
7. Any imitation firearm, defined as a replica of a firearm that is so substantially similar in physical properties to an existing firearm as to lead a reasonable person to conclude that the replica is a firearm

Any employee may take any weapon or dangerous instrument from the personal possession of a student while the student is on school premises or under the authority of the district. (Education Code 49331, 49332)

In determining whether to take possession of the weapon or dangerous instrument, the employee shall use the employee's own judgment as to the dangerousness of the situation and, based upon this analysis, shall take one of the following actions:

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1. Confiscate the object and deliver it to the principal immediately
2. Immediately notify the principal, who shall take appropriate action
3. Immediately notify the local law enforcement agency and the principal

When informing the principal about the possession of a weapon or dangerous instrument, the employee shall report the name(s) of persons involved, witnesses, location, and the circumstances of the possession.

The principal shall report any possession of a weapon or dangerous instrument to the student's parents/guardians by telephone or in person, and shall follow this notification with a letter.

The employee shall retain possession of the instrument until the risk of its use as a weapon has dissipated or, upon the request of the student's parent/guardian, until the parent/guardian appears and personally takes possession. (Education Code 49331, 49332)

State

Ed. Code 3529: Governing board to prescribe rules for discipline of the schools
Ed. Code 48902: Mandatory notification of law enforcement authorities
Ed. Code 48915: Required recommendation for expulsions
Ed. Code 48916: Readmission
Ed. Code 48980: Parent/Guardian notifications
Ed. Code 49330-49335: Injurious objects
Ed. Code 49390-49395: Homicide threats
Pen. Code 16100-17360: Definitions
Pen. Code 22810-23025: Tear gas weapon (pepper spray)
Pen. Code 245: Assault with deadly weapon
Pen. Code 25200-25225: Firearms; access to children
Pen. Code 30310: Prohibition against ammunition on school grounds
Pen. Code 417.4: Imitation firearm; drawing or exhibiting
Pen. Code 626.10: Dirks, daggers, knives, razor or stun gun; bringing or possessing in school
Pen. Code 626.9: Gun-Free School Zone Act of 1995

Federal

20 USC 6301-8961: No Child Left Behind Act
20 USC 7961: Gun-Free Schools Act
6 USC 665k: Federal Clearinghouse on School Safety Evidence-Based Practices

Management Resources

CSBA Publication: Safe Schools: Strategies for Governing Boards to Ensure Student Success, Third Edition, October 2011
U.S. Department of Education Publication: Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act, 2018
Website: U.S. Department of Homeland Security, Fusion Centers
Website: California State Threat Assessment System
Website: CSBA District and County Office of Education Legal Services
Website: U.S. Department of Education, Safe Schools
Website: National Alliance for Safe Schools
Website: National School Safety Center
Website: U.S. Department of Education, Office of Safe and Drug Free Schools

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Website: California Department of Education, Safe Schools
Website: CSBA

Regulation Approved: 3/8/2022

ORCUTT UNION SCHOOL DISTRICT
Orcutt, California