

# Santa Barbara Unified School District

## Board Policy

**Students**

**BP 5131.7**

### **WEAPONS AND DANGEROUS INSTRUMENTS**

The Governing Board recognizes that students and staff have the right to a safe and secure campus free from physical and psychological harm and desires to protect them from the dangers presented by firearms and other weapons.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3515.3 - District Police/Security Department)*  
*(cf. 5116.1 - Intradistrict Open Enrollment)*  
*(cf. 5131 - Conduct)*  
*(cf. 5138 - Conflict Resolution/Peer Mediation)*

#### **Possession of Weapons**

The Board prohibits any student from possessing weapons, imitation firearms, or other dangerous instruments, as defined in law and administrative regulation, in school buildings, on school grounds or buses, at school-related or school-sponsored activities away from school, or while going to or coming from school.

Under the power granted to the Board to protect the safety of students, staff, and others on district property and to maintain order and discipline in the schools, any school employee is authorized to confiscate any prohibited weapon, imitation firearm, or dangerous instrument from any student on school grounds.

*(cf. 4158/4258/4358 - Employee Security)*

Unless he/she has obtained prior written permission as specified below, a student possessing or threatening others with any weapon, dangerous instrument, or imitation firearm shall be subject to suspension and/or expulsion in accordance with law, Board policy, and administrative regulations.

*(cf. 5144 - Discipline)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*  
*(cf. 5144.2 - Suspension and Expulsion/Due Process (Individuals with Disabilities))*

The principal or designee shall notify law enforcement authorities when any student possesses a firearm, explosive, or other prohibited weapon or dangerous instrument without permission, sells or furnishes a firearm, or commits any act of assault with a firearm or other weapon. (Education Code 48902; Penal Code 245, 626.9, 626.10; 20 USC 7151)

*(cf. 3515.2 - Disruptions)*

#### **Advance Permission for Possession of a Weapon for Educational Purposes**

On occasion, a student may wish to bring an imitation firearm, or other prohibited weapon on school grounds for an educational purpose. The student shall request prior permission from the principal at least five school days in advance of the planned educational activity. The student's parent/guardian shall

provide written permission explaining the planned use of the weapon and the duration. The student shall also submit a written explanation from the certificated staff member responsible for the school-sponsored activity or class.

The principal may grant permission for such possession when he/she determines that it is necessary for a school-sponsored activity or class or as part of the educational program. Factors that shall be considered include, but are not limited to, the planned use of the weapon, the duration and location of the planned use, whether an audience is expected, and any perceived adverse effects to the safety and well-being of students or staff. If the principal grants such permission, he/she shall provide the student and staff person with a written explanation regarding any limitations and the permissible duration of the student's possession.

When the principal or designee grants permission, he/she shall take all necessary precautions to ensure the safety of all persons on school grounds, including, but not limited to, inspecting a firearm to verify that no live ammunition is present. Any weapon allowed shall be stored in a locked vehicle or in an appropriate, locked container before and after its authorized use.

A student granted permission to possess a weapon may be suspended and/or expelled if he/she possesses or uses the weapon inappropriately.

### **Possession of Pepper Spray**

To prevent potential misuse that may harm students or staff, students are prohibited from carrying tear gas or tear gas weapons such as pepper spray on campus or at school activities.

### **Reporting of Dangerous Objects**

The Board encourages students to promptly report the presence of weapons, injurious objects, or other suspicious activity to school authorities. The identity of a student who reports such activity shall remain confidential to the extent permitted by law.

*(cf. 5125 - Student Records)*

The Superintendent or designee shall develop strategies designed to facilitate student reporting of the presence of injurious objects on school grounds, such as tip hotlines, electronic transmissions, or other methods that preserve the student's anonymity. Incident reports and records shall not identify the student who reported the possession. The Superintendent or designee also shall inform staff, students, and parents/guardians that students who report the presence of injurious objects on school campuses are to be protected and their identity shielded.

#### *Legal Reference:*

##### EDUCATION CODE

35291	<i>Governing board to prescribe rules for discipline of the schools</i>
48900	<i>Grounds for suspension/expulsion</i>
48902	<i>Notification of law enforcement authorities</i>
48915	<i>Required recommendation for expulsions</i>
48916	<i>Readmission</i>
49330-49335	<i>Injurious objects</i>

##### PENAL CODE

245	<i>Assault with deadly weapon</i>
417.4	<i>Imitation firearm; drawing or exhibiting</i>
626.9	<i>Gun-Free School Zone Act of 1995</i>

626.10        *Dirks, daggers, knives, razor or stun gun; bringing or possessing in school*  
653k         *Switchblade knife*  
16100-17350 *Definitions*  
22810-23025 *Tear gas weapon (pepper spray)*  
25200-25225 *Firearms, access to children*  
30310        *Prohibition against ammunition on school grounds*  
UNITED STATES CODE, TITLE 20  
6301-7941   *No Child Left Behind Act, especially:*  
7151         *Gun-Free Schools Act*

*Management Resources:*

CSBA PUBLICATIONS

*Safe Schools: Strategies for Governing Boards to Ensure Student Success, Third Edition, October 2011*

CALIFORNIA DEPARTMENT OF EDUCATION COMMUNICATIONS

*0401.01 Protecting Student Identification in Reporting Injurious Objects*

U.S. DEPARTMENT OF EDUCATION PUBLICATIONS

*Guidance Concerning State and Local Responsibilities Under the Gun-Free Schools Act, January 2004*

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Safe Schools: <http://www.cde.ca.gov/ls/ss>

National Alliance for Safe Schools: <http://www.safeschools.org>

National School Safety Center: <http://www.schoolsafety.us>

U.S. Department of Education, Office of Safe and Drug Free Schools:

<http://www.ed.gov/about/offices/list/osdfs>

SANTA BARBARA UNIFIED SCHOOL DISTRICT

Santa Barbara, California

February 10, 2009; August 31, 2010; April 24, 2012