

## MIDDLETOWN UNIFIED SCHOOL DISTRICT

### **Policy 5131.7: Weapons And Dangerous Instruments**

**Adopted Date: 12/13/2023**

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.

#### **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, when using district provided transportation, at school-related or school-sponsored activities away from school, or while going to or coming from school.

If a student is in possession of a prohibited weapon, imitation firearm, or dangerous instrument which creates a threat or perceived threat of a homicidal act, any employee or other school official who is alerted to or observes such threat shall immediately report the threat to law enforcement.

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.

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 7961)

Unless a student 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.

All staff shall be made aware of their responsibilities regarding the reporting of potential homicidal acts to law enforcement, and receive training in the assessment and reporting of such threats.

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

The parent/guardian of a student who desires to possess a firearm, imitation firearm, or other prohibited weapon on school grounds for an educational purpose shall submit a written request to the principal, at least five school days in advance of the planned possession which explains the planned use of the weapon and the duration, together with a written explanation from the staff person responsible for the school-sponsored activity or class.

The principal may grant permission for such possession when it is determined that possession of a firearm, imitation firearm, or other prohibited weapon on school grounds 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, the student and staff person shall be provided with a written explanation regarding any limitations and the permissible duration of the student's possession.

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

Any student granted permission to possess a weapon may be suspended and/or expelled if the weapon is possessed or used inappropriately.

### Possession of Pepper Spray

**OPTION 1:** ~~(Districts that allow students to bring tear gas or tear gas weapons)~~

~~When accompanied by a parent/guardian or with the written consent of a parent/guardian, students age 16 or older may legally possess tear gas or tear gas weapons such as pepper spray for the purpose of self-defense. However, such students shall be subject to suspension and/or expulsion if such items are used inappropriately or for any purpose other than self-defense.~~

**OPTION 2:** (Districts that prohibit students from bringing tear gas or tear gas weapons)

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 without explicit written permission from the Superintendent or designee.

### 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.

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 shall also 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.

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#### Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### State

Ed. Code 35291

#### Description

[Governing board to prescribe rules for discipline of the schools](#)

Ed. Code 48902

[Mandatory notification of law enforcement authorities](#)

Ed. Code 48915	<a href="#">Required recommendation for expulsions</a>
Ed. Code 48916	<a href="#">Readmission</a>
Ed. Code 48980	<a href="#">Parent/Guardian notifications</a>
Ed. Code 49330-49335	<a href="#">Injurious objects</a>
Ed. Code 49390-49395	<a href="#">Homicide threats</a>
Pen. Code 16100-17360	<a href="#">Definitions</a>
Pen. Code 22810-23025	<a href="#">Tear gas weapon (pepper spray)</a>
Pen. Code 245	<a href="#">Assault with deadly weapon</a>
Pen. Code 25200-25225	<a href="#">Firearms; access to children</a>
Pen. Code 30310	<a href="#">Prohibition against ammunition on school grounds</a>
Pen. Code 417.4	<a href="#">Imitation firearm; drawing or exhibiting</a>
Pen. Code 626.10	<a href="#">Dirks, daggers, knives, razor or stun gun; bringing or possessing in school</a>
Pen. Code 626.9	<a href="#">Gun-Free School Zone Act of 1995</a>

### **Federal**

20 USC 6301-8961

20 USC 7961

6 USC 665k

### **Description**

No Child Left Behind Act

Gun-Free Schools Act

Federal Clearinghouse on School Safety Evidence-Based Practices

### **Management Resources**

CSBA Publication

### **Description**

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](#)

Website [California Department of Education, Safe Schools](#)

Website [CSBA](#)

### **Cross References**

<b>Code</b>	<b>Description</b>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
1313	<a href="#">Civility</a>
3515	<a href="#">Campus Security</a>
3515	<a href="#">Campus Security</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.3	<a href="#">District Police/Security Department</a>
3515.31	<a href="#">School Resource Officers</a>
3515.7	<a href="#">Firearms On School Grounds</a>
3516.2	<a href="#">Bomb Threats</a>
4158	<a href="#">Employee Security</a>
4158	<a href="#">Employee Security</a>
4258	<a href="#">Employee Security</a>
4258	<a href="#">Employee Security</a>
4358	<a href="#">Employee Security</a>
4358	<a href="#">Employee Security</a>
5116.1	<a href="#">Intradistrict Open Enrollment</a>
5116.1	<a href="#">Intradistrict Open Enrollment</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5131	<a href="#">Conduct</a>
5131.41	<a href="#">Use Of Seclusion And Restraint</a>
5136	<a href="#">Gangs</a>
5136	<a href="#">Gangs</a>
5137	<a href="#">Positive School Climate</a>
5138	<a href="#">Conflict Resolution/Peer Mediation</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5144	<a href="#">Discipline</a>
5144	<a href="#">Discipline</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>
5144.1	<a href="#">Suspension And Expulsion/Due Process</a>

5144.2	<a href="#"><u>Suspension And Expulsion/Due Process (Students With Disabilities)</u></a>
5145.12	<a href="#"><u>Search And Seizure</u></a>
5145.12	<a href="#"><u>Search And Seizure</u></a>
6184	<a href="#"><u>Continuation Education</u></a>
6184	<a href="#"><u>Continuation Education</u></a>