

Eugene School District 4J

Code: **KGB**
Adopted: 9/2/98
Revised: 8/22/01, 12/11/02
Orig. Code(s): 8900

Dangerous Weapons

No person shall possess, handle, or transmit any object that is reasonably considered a weapon on school district property or at a school-sponsored activity, function, or event, that occurs off of school property, (including those with a concealed weapons permit), with the exception of law enforcement officers or those authorized by the superintendent.

A weapon includes the following:

1. "Firearm" which means (a) 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; (b) the frame or receiver of any such weapon; or (c) any firearm muffler or firearm silencer;
2. "Dangerous weapon" means 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;
3. "Deadly weapon" means any instrument, article, or substance specifically designed for and presently capable of causing death or serious physical injury;
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.

Violations of Policy

Any **student** who violates this policy shall be expelled for one calendar year, unless a specific exception is made by the superintendent or the superintendent's designee on a case-by-case as provided for in ORS 339.250 and the district's *Student Rights and Responsibilities Handbook*. Special education students shall be disciplined in accordance with procedures included in special education policies and procedures approved by, and on file with, the Oregon Department of Education.

Any **employee** who violates this policy shall be disciplined up to and including dismissal.

Any **other person** who violates this policy will be considered to be unlawfully present on the premises and will be subject to prosecution for criminal trespass in the second degree, as provided by ORS 164.245.

Referral to Law Enforcement Agency

The appropriate law enforcement agency will be promptly informed of the identity and activity of any person who violates this policy.

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.

END OF POLICY

Legal Reference(s):

ORS 161.015	OAR 581-021-0050 to -0075
ORS 166.210 - 166.370	OAR 581-053-0010 (5)
ORS 166.382	OAR 581-053-0015 (7)(k)
ORS 332.107	OAR 581-053-0545 (4)(c),(w)
ORS 339.115	OAR 581-053-0550 (5)(y)
ORS 339.240	
ORS 339.250	
ORS 339.260	
ORS 339.315	
ORS 339.327	
ORS 809.060	
ORS 809.260	

Gun-Free School Zone Act of 1990, 18 U.S.C. Sections 921(a)(25), (26) and 922(q); as amended by P.L. 104-208, Section 101(f) (1996) and P.L. 103-322, Section 320904 (1994).

Education of the Handicapped Act of 1975, as amended, 20 U.S.C. Sections 1400-1427, as amended and renamed Individuals with Disabilities Education Act (IDEA), P.L. 101-476, 104 Stat 1103 (1990), as amended P.L. 105-17 (1997). [P.L. 94-142 is a well-known “short” reference to this federal legislation.]

Youth Handgun Safety Act, 18 U.S.C. Sections 922(x) and 924(a)(6).

Cross Reference(s):

JFCM - Violence and Threats of Violence