

**WEAPONS AND DANGEROUS INSTRUMENTS**

The board of education prohibits the possession and/or use of firearms, other weapons, or instruments which can be used as weapons from school property, on a school bus, at any school function, or while en route to or from school or any school function.

For the purpose of this policy "weapon" includes but is not limited to those items enumerated in N.J.S.A. 2C:39-1r. The principal shall make the final determination that a particular object is a dangerous instrument in any case where there is a question of its possession or use posing a threat to students, staff or property.

Any student who is convicted or adjudicated delinquent for possession of a weapon or a crime while armed with a weapon or found knowingly in possession of a weapon on any school property, on a school bus, or at a school-based function shall be immediately removed from the school's regular education program pending a hearing before the board to remove the student from the regular education program for a period of not less than one calendar year.

The principal/designee shall be responsible for the removal of such a student and shall immediately report the removal to the superintendent. The superintendent may modify a student's removal on a case-by-case basis. The principal shall also notify the appropriate law enforcement agency of a possible violation of the New Jersey Code of Criminal Justice.

A student found or observed on school property or at a school event in possession of a weapon shall be reported to the principal/designee immediately. The principal shall immediately inform the superintendent/designee and appropriate law enforcement officials with all known information concerning the matter, including the identity of the student involved.

The superintendent shall determine at the end of the year whether the student is prepared to return to the regular education program in accordance with procedures established by the Commissioner of Education.

Disciplinary action shall be taken against students who possess weapons. Classified students shall be disciplined in accordance with N.J.A.C. 6A:14. As in all disciplinary cases, due process will be provided (see policies 5114 Suspension and expulsion and 5131 Conduct/discipline).

A violence and vandalism report shall be filed whenever a student is found to be in possession of a firearm, other weapon, or dangerous instrument.

An incident report will be filed when a student is found in violation of this policy. Violence and weapons reports will be filed in accordance with state and federal statutes.

Implementation

The board directs the superintendent to develop regulations to implement this policy.

**Date Reviewed: January 8, 2014, February 19, 2014**

**Date Adopted: March 19, 2014**

**Key Words:** Weapons, Dangerous Instruments, Violence, Paging Devices, Beepers, Firearms

Legal References

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Mandated:

N.J.A.C. 6A:16-5.5 requires the board to adopt and implement policies and procedures regarding student offenses involving firearms.

N.J.A.C. 6A:16-5.6 requires the adoption and implementation of policies and procedures regarding any student who commits an assault with a weapon on a teacher, administrator, board member or other school employee.

N.J.A.C. 6A:16-6.1 requires adoption and implementation of policies and procedures to ensure cooperation of school staff and law enforcement in all matters relating to fire arms and other deadly weapons.

Federal law requires that all school districts receiving funds under the Improving America's Schools Act of 1994 must have a policy that calls for the removal for at least one year of any student who brings a gun to school. The law also demands district policy requiring that any student who brings a weapon to school be referred to either the criminal or juvenile justice system. No Child Left Behind also requires discipline policies prohibiting the illegal possession of weapons.

Other Reasons:

N.J.S.A. 2C:33-19 prohibits a student from bringing or possessing a remotely activated paging device onto school property without express permission of the board.

N.J.S.A. 18A:37-7 through -12 requires that any pupil who is convicted or adjudicated delinquent for possession of a firearm or a crime while armed with a firearm or found knowingly in possession of a firearm on any school property, or a school bus or at a school-sponsored function shall be removed from the regular education program for a period of not less than one calendar year, subject to modification on a case-by-case basis by the chief school administrator.

N.J.A.C. 6A:16-6.3(b) requires any school employee with reason to believe that a firearm or other deadly weapon has unlawfully been brought onto school property must report the suspicion to the principal.

Recommendation:

A policy prohibiting weapons on school property in accordance with law and directing the chief school administrator to develop regulations to implement it.

Legal References:	N.J.S.A. 2A:4A-60 et al.	Disclosure of juvenile information; penalties for disclosure
	N.J.S.A. 2C:12-1	Definition of assault
	N.J.S.A. 2C:33-19	Paging devices, possession by students
	N.J.S.A. 2C:39-1	Definitions
	N.J.S.A. 2C:39-5	Unlawful possession of weapons
	N.J.S.A. 2C:39-6	Exemptions
	N.J.S.A. 18A:6-1	Corporal punishment of pupils
	N.J.S.A. 18A:36-19.2	Student locker or other storage facility; inspections; notice to students
	N.J.S.A. 18A:37-1	Submission of pupils to authority

N.J.S.A. 18A:37-2 Causes for suspension or expulsion of pupils  
 N.J.S.A. 18A:37-2.1 through -2.5 Assaults by pupil upon teacher, administrator, board member or employee of board of education; suspension; expulsion proceedings ...  
 N.J.S.A. 18A:37-7 through -12 Zero Tolerance for Guns Act  
 N.J.A.C. 6A:14-2.8 Discipline/suspension/expulsion  
 N.J.A.C. 6A:16-1.1 et seq. Programs to Support Student Development  
 See particularly:  
 N.J.A.C. 6A:16-1.3, -1.4, -5.2, -5.4, -5.5, -5.6, -6.1, -6.2, -6.3(b), -6.4

P.L. 103-382, Improving America's Schools Act of 1994

Section 1702, Prohibits possession or discharge of a firearm in a school zone, Pub. L. 101-647

Attorney General's Executive Directive No. 1988-1, Memorandum of Agreement (revised, amended)

State in Interest of T.L.O., 94 N.J. 331, 346 (1983), rev'd 515 U.S. 646 (1985)

See also Commissioners' Decisions indexed under "Pupils – Punishment of" in Index to N.J. School Law Decisions

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revisions)

Possible

Cross References:

*5114	Suspension and expulsion
*5131	Conduct/discipline
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5145.11	Questioning and apprehension
*5145.12	Search and seizure
*6172	Alternative educational programs

\*Indicates policy is included in the Critical Policy Reference Manual.