

**Students**

**WEAPONS AND DANGEROUS INSTRUMENTS**

The Governing Board desires students to be free from the fear and danger presented by firearms and other weapons. The Board therefore prohibits students from possessing weapons, replicas of weapons, or dangerous instruments of any kind in school buildings, on school grounds or buses, or at any school-related or school-sponsored activity away from school.

Any school employee may confiscate any weapon, dangerous instrument or replica from any person on school grounds under the power granted to the Board to maintain order and discipline in the schools and to protect the safety of students, staff and public.

*(cf. 3514 – Safety)*

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

Students possessing, exhibiting or threatening others with a weapon are subject to suspension and expulsion in accordance with law.

*(cf. 5144.11 – Suspension and expulsion/Due Process)*

*(cf. 5144.2 – Suspension and Expulsion/Due Process (Individuals with Exceptional Needs))*

Students also may be suspended if they threaten others or disrupt school activities by exhibiting a replica of a weapon.

The Board recognizes that students age 16 or older may become certified to carry tear gas or tear gas weapons such as pepper spray for the purpose of self-defense. Students who carry such items at school or school activities shall be subject to suspension and/or expulsion, however, if they cause injury by using such items improperly or for any purpose other than self-defense.

**Reporting of Dangerous Objects**

To prevent potential misuse that may harm students, staff or property, the use of injurious objects are prohibited. Pursuant to Education Code 49330, an "injurious object" is an object capable of inflicting substantial bodily damage and those objects listed in specified sections of the Penal Code, as renumbered by SB 1080 (Ch. 711, Statutes of 2010). These weapons include, but are not limited to, firearms, knives, metal knuckles, and explosives including fireworks.

**Zero Tolerance**

State and federal law requires the Superintendent or designee to immediately suspend and recommend for expulsion for not less than one year any student who brings a firearm to school. In addition, the student shall be referred to the criminal justice system, juvenile justice system, or local law enforcement agency. The Governing Board may modify the expulsion requirement on a case-by-case basis. (Education Code Sections 48915, 48916, 48902)

Unless the Superintendent or designee finds that the particular circumstances of a case indicate that expulsion is inappropriate, the district shall take similar action when students knowingly bring any other weapons to school or participate in any fighting that inflicts serious bodily injury

## Board Policy 5131.7(b)

on another person. In addition to a suspension and possible expulsion, these students shall be reported to law enforcement authorities for prosecution of Penal Code violations.

### *Legal Reference:*

#### EDUCATION CODE

*35291 Governing board to prescribe rules for the government and the discipline of the schools*

*48900 Grounds for suspension/expulsion*

*48902 Notification of law enforcement authorities*

*48915 Required recommendation for expulsion*

*48916 Expulsion orders*

*49330 Injurious object*

*49331 Removal from possession of pupil by designated employee*

*49332 Notification of parent or guardian; retention of object by school personnel; release*

*49333 Return of object*

*49330 Injurious objects: notification of law enforcement*

#### PENAL CODE

*245 Assault with deadly weapon*

*417.2 Imitation firearms*

*417.4 Imitation firearm; drawing or exhibiting*

*626.9 Gun-Free School Zone Act of 1995*

*626.10 Dirks, daggers, knives, razor or stun gun; bringing or possessing in school or on school grounds; exception*

*12020-12028.5 Unlawful carrying and possession of concealed weapons*

*120403.7 Weapons approved for self defense*

*12403.8 Minors 16 or over; tear gas and tear gas weapons*

#### HR 6 IMPROVING AMERICA'S SCHOOL ACT

*14601 Gun-Free Schools Act of 1994*

Adopted: April 19, 1996  
Revised: 2/25/03; 6/28/17

**WEST SONOMA COUNTY UHSD**  
Sebastopol, California