

8467 WEAPONS

The Board of Education prohibits the possession, use, or exchange of any weapon in any school building, on school grounds, at any school-sponsored event, and on school sanctioned transportation except as the possession and use of a weapon is authorized by law and required in the performance of the possessor's duty.

For the purpose of this policy, "weapon" means anything readily capable of lethal use or of inflicting serious bodily injury. "Weapon" includes, but is not limited to, all firearms, knives, dangerous instruments intended to inflict harm, components that can be readily assembled into a weapon, explosive devices, and imitation firearms. For the purposes of this policy "firearm" means those items enumerated in N.J.S.A. 2C:39-1f and 18 U.S.C. 921.

Any pupil or school employee who has reasonable grounds to suspect the presence of a weapon prohibited by this policy shall immediately report his/her suspicion to the principal. The principal shall conduct an appropriate search in accordance with Policy No. 5770 (Pupil Right of Privacy) and confiscate any weapon discovered in the course of the search. He/she shall, if appropriate and feasible, summon the aid of law enforcement officers in the conduct of the search. Any school employee who confirms the presence of a weapon under circumstances that place persons at serious risk may confiscate the weapon immediately and may use such force as is reasonable and necessary to obtain possession.

Unless the weapon has been taken into custody by a law enforcement officer, the principal shall immediately store any confiscated weapon in a securely locked box or container and report the presence of the weapon to the Superintendent. The Superintendent or designee shall promptly notify, by telephone call, the Chief of Police of Westfield that a weapon is present on school premises; the notice shall request removal of the weapon by an authorized law enforcement officer. The Superintendent or designee shall obtain and file a receipt for any weapon removed by a law enforcement officer.

Any pupil who possesses, uses, or exchanges a weapon in violation of this policy shall be subject to stringent discipline, which may include expulsion. Any pupil or school employee who suspects or knows of the presence of a weapon in violation of this policy and fails to report the same shall be subject to discipline. Any person who possesses a weapon on school premises or school transportation or at a school-sponsored function shall be reported to the appropriate law enforcement agency.

Any pupil who is convicted or is an adjudicated delinquent for possession of a firearm or who is found to be in possession of a firearm on school property must be immediately removed from the general education program and provided with an alternative program, pending a hearing before the Board of Education. Pupils convicted or found to be delinquent for possessing a firearm on school property, on a school bus, or at a school-sponsored function or committing a crime while possessing a firearm shall be immediately removed from the general education program for a period of not less than one calendar year and placed in an alternative education school or program pending a hearing before the Board of Education to remove the pupil. (Chapters 127 and 128 of 1995, The Zero Tolerance for Guns Act).

Any pupil who commits an assault upon members of the school community with a weapon other than a firearm on school property must be immediately removed from the general education program and provided with an alternative program, pending a hearing before the Board of Education. (Chapters 127 and 128 of 1995, The Zero Tolerance for Guns Act).

Pupils with disabilities violating the provisions of this policy shall be dealt with in accordance with Policy 5611 (Removal of Pupils for Firearms Offenses) or 5613 (Removal of Pupils for Assaults with Weapons Offenses).

Nothing in this policy shall be construed to prohibit the reporting of a crime committed by a pupil with a disability to the appropriate law enforcement or judicial authorities, or to prevent such authorities from exercising their responsibilities with regard to the application of federal or state law to crimes committed by a pupil with disabilities.

Any pupil requiring removal from the general education program for the reasons enumerated above shall be removed in accordance with Policy and Regulation 5611 (Removal of Pupils for Firearms Offenses) or 5613 (Removal of Pupils for Assaults with Weapons Offenses).

The Superintendent, or designee, shall prepare regulations to implement this policy for the guidance of school staff in dealing with incidents involving weapons in the school district.

N.J.S.A. 2C:39-1 et seq.; 2C:58-6.1; 2C:58-15

N.J.S.A. 18A:6-1

N.J.S.A. 23:4-16

N.J.A.C. 6A:14-2.8 et seq.

Chapters 127 and 128 of 1995, The Zero Tolerance for Guns Act

18 U.S.C. 921

20 U.S.C 1415

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A. Definitions

“Weapon” includes:

1. Firearms, which include but are not limited to, any handgun, rifle, shotgun, machine gun, automatic or semi-automatic rifle, or any gun, device, or instrument in the nature of a weapon from which may be fired or ejected any solid projectile ball, slug, pellet, missile, or bullet, or any gas, vapor or other noxious thing, by means of a cartridge or shell or by the action of an explosive or the igniting of flammable or explosive substances.

A firearm also includes an air gun, spring gun or pistol or other weapon of a similar nature in which the propelling force is a spring, elastic band, carbon dioxide, compressed or other gas or vapor, air or compressed air, or is ignited by compressed air, and ejecting a bullet or missile smaller than three-eighths of an inch in diameter, with sufficient force to injure a person. Firearms for the purposes of this regulation means those items enumerated in N.J.S.A. 2C:39-1f and 18 U.S.C. 921.
2. Components that can be readily assembled into a weapon.
3. Gravity knives, which means any knife that has a blade that is released from the handle or sheath thereof by the force of gravity or the application of centrifugal force.
4. Switchblade knives, which means any knife or similar device that has a blade that opens automatically by hand pressure applied to a button, spring, or other device in the handle of the knife.
5. Daggers, dirks, penknives, box cutters, stilettos, and other dangerous knives.
6. Ballistic knives, which means any device capable of lethal use that can propel a knife blade.
7. Billies, blackjacks, bludgeons, metal knuckles, sandclubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades embedded in wood.
8. Stun guns, which means any weapon or other device that emits an electrical charge or current intended to temporarily or permanently disable a person.

9. Any device that projects, releases, or emits tear gas or any other substance intended to produce temporary physical discomfort or permanent injury through being vaporized or otherwise dispensed in the air.
10. Imitation weapons, which means an object or device reasonably capable of being mistaken for a weapon.

B. Confiscation

1. A school employee who confiscates any weapon shall immediately notify the school Principal.
2. The Principal shall immediately notify the Chief of Police of the Westfield Police Department by telephone that a weapon has been confiscated and shall request removal of the weapon by a police officer.
3. The Principal shall safeguard the weapon until a law enforcement officer takes custody of it.
 - a. The Principal shall place the weapon in a box or container.
 - b. The Principal shall record or cause to be recorded on the container or on a document attached to the container,
 - (1) A description of the weapon;
 - (2) The name and signature of the person who confiscated the weapon;
 - (3) The date, time, and place the weapon was confiscated;
 - (4) The circumstances under which the weapon was confiscated; and
 - (5) The name of the pupil or staff member believed to be in possession of the weapon when it was confiscated.
 - c. The container will be placed in a secure location under lock and key and under the Principal's direct control.
 - d. In the event any person other than the Principal is permitted access to the weapon prior to its retrieval by a law enforcement officer, that person shall enter his/her name and signature on the record along with the time and date of inspection and the reason for the access. Access to the weapon will be permitted only in the presence of the Principal.

- e. The law enforcement officer who takes custody of the weapon shall be required to sign and date the record to indicate his/her receipt of the substance or item.
- 4. The Principal shall provide to the law enforcement officer who takes custody of the weapon:
 - a. All information concerning the manner in which it was confiscated;
 - b. The identity of all persons who had custody of the weapon following its confiscation; and
 - c. The identity of any pupil or staff member believed to have been in possession of the weapon.
- C. Evacuation
- 1. The Principal shall, in accordance with Regulation 8420 (Emergency and Crisis Situations), direct the immediate evacuation of the school building or the appropriate portion thereof in the event that:
 - a. The presence of an incendiary device or explosive is known or is reasonably reliably suspected;
 - b. A person possessing a firearm or incendiary device or explosive refuses to surrender the weapon and the use of force necessary to confiscate the weapon would place another person at serious risk; or
 - c. The Principal in his/her judgment believes that the school community is at risk and the building should be evacuated.
 - 2. Regular evacuation routes may be modified as required to protect pupils and staff members from danger.
 - 3. Law enforcement officers shall be summoned immediately to any school building evacuated under this regulation.
- D. Removal of Pupils from Educational Program
- 1. A pupil convicted or found to be delinquent for possessing a firearm on any school property, on a school bus, or at a school-sponsored function or a pupil committing a crime with a firearm shall be immediately removed from the school's general education program for a period of not less than one calendar year in accordance with Chapters 127 and 128 of 1995, The Zero Tolerance for Guns Act and Policy 5611 (Removal of Pupils for Firearms Offenses).

2. A pupil who assaults a member of the school community with a weapon other than a firearm on school property, on a school bus, or at a school-sponsored function must be immediately removed from the school's general education program in accordance with Chapters 127 and 128 of 1995, The Zero Tolerance for Guns Act and Policy 5613 (Removal of Pupils for Assaults with Weapons Offenses).
3. Removal of a pupil for reasons enumerated in this Regulation shall be in accordance with Policy and Regulation 5611 (Removal of Pupils for Firearms Offenses) and Policy and Regulation 5613 (Removal of Pupils for Assaults with Weapons Offenses).
4. The Building Principal will immediately notify the pupil's parents(s) or legal guardians(s) if the pupil is found to be in possession of a firearm on school property or if a pupil commits an assault upon members of the school community with a weapon other than a firearm on school property.

In Effect: December 11, 2007