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WEAPONS AND DANGEROUS INSTRUMENTS

The board of education prohibits the possession and/or use of firearms, other weapons, or instruments that can be used as weapons on school property, on a school bus, at any school function, or while enroute 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 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, 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 pupil 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 pupil and shall immediately report the removal to the chief school administrator. The chief school administrator may modify a pupil'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 or dangerous instrument other than a firearm shall be reported to the principal/designee immediately. The principal shall immediately inform the chief school administrator/designee and appropriate law enforcement officials with all known information concerning the matter, including the identity of the pupil involved.

Assault by a student with a weapon on a teacher, administrator, board member or other employee of the board is strictly prohibited and shall result in the student's immediate removal from the general education program for a period not exceeding one calendar year. Subject to a hearing before the board, the student shall be placed in an alternative education program.

The chief school administrator 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, handle, transmit or use firearms, other weapons, or dangerous instruments. Classified students shall be disciplined in accordance with their IEP and in compliance with law and administrative code. 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.

Electronic Portable Communicative Devices (ECD)

Students are not permitted to use cellular phones or other ECD's while school is in session, or within the school building, at any time during the instructional day. The instructional day includes, but is not limited to, study halls, lunch breaks, class changes, and any other structured or non-structured instructional activity that occurs during the normal school day. Cellular devices and other electronic portable devices must be turned off while students are in the school building and may be turned on only after the school session has concluded for the day and students are outside of the school building. At no time shall cellular phones and other electronic portable devices be used in bathrooms, locker rooms, lunch room or in other areas designated by the chief school administrator or designee. Any cellular phone or other device must be stored in the locker provided for each student in grades 5-8. Students in grades K-4 must secure all ECD's in their backpacks and they should be turned off while in school.

A student may utilize an ECD with the written permission of the chief school administrator. Permission shall not be granted unless and until the student has established a reasonable basis for possessing the device.

Student members of a volunteer fire company or first aid, ambulance or rescue squad may carry remotely activated paging devices provided that:

- A. The student is required to respond to an emergency, and
- B. A copy of the statement by the chief executive officer of the volunteer fire company or first aid, ambulance or rescue squad authorizing the possession of the paging device is in the possession of the student at all times while the student is in possession of the remotely activated paging device.
- C. The student must receive written permission from the chief school administrator.

Implementation

The board directs the chief school administrator to develop regulations to implement this policy.

**Date:**

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**Second Reading/ Adoption: January 2, 2002**

**Review and Revision: March 19, 2008**

**Revision and Adoption: May 15, 2008**

**Review Date: March 14, 2011 – No Changes**

**Review Date: July 26, 2012 – No Changes**

**Review Date: April 19, 2017**

**Legal References:**

<u>N.J.S.A.</u> 2A:4A-60 <u>et al.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A.</u> 2C:12-1	Definition of assault
<u>N.J.S.A.</u> 2C:33-19	Paging devices, possession by students
<u>N.J.S.A.</u> 2C:39-1	Definitions
<u>N.J.S.A.</u> 2C:39-5	Unlawful possession of weapons
<u>N.J.S.A.</u> 2C:39-6	Exemptions
<u>N.J.S.A.</u> 18A:6-1	Corporal punishment of pupils
<u>N.J.S.A.</u> 18A:36-19.2	Student locker or other storage facility; inspections; notice to students
<u>N.J.S.A.</u> 18A:37-1	Submission of pupils to authority
<u>N.J.S.A.</u> 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)  
File Code: 5131.7R

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:** 3515.1 Electronic Portable Communicative Devices  
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

### **Key Words**

Weapons, Dangerous Instruments, Violence, Paging Devices, Beepers, Firearms