

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 or construed as weapons on school property, on a school bus, at any school function, or while en route to or from school or any school function.

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 that 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.

Implementation

The Board directs the Chief School Administrator to develop regulations to implement this policy.

Date: September 2, 2003

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: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 Direction 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 NJ
School Law Decisions

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)

Cross References:

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