

WEAPONS, AND DANGEROUS INSTRUMENTS

The Township of Franklin Board of Education prohibits the possession and/or use of firearms, other weapons, or instruments which 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 Weapons 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.

Weapons and Dangerous Instruments include:

1. Firearms, which include 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 projectible 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 any explosive or the igniting of flammable or explosive substances. It also includes any firearm that is in the nature of 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.
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, 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, slingshots, leather bands studded with metal filings or razor blades imbedded 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.

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Weapons and Dangerous Instruments include: (continued)

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 firearm, which means an object or device reasonably capable of being mistaken for a firearm.

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 shall be responsible for the removal of such a pupil and shall immediately report the removal to the Superintendent. The Superintendent 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 , other than a firearm shall be reported to the principal immediately. The principal shall immediately inform the Superintendent and appropriate law enforcement officials with all known information concerning the matter, including the identity of the pupil involved. The principal shall also immediately send a letter to the parents of all students of the school notifying them of the situation. The Superintendent shall notify the members of the Board of Education.

The Superintendent, after consultation with appropriate parties, 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.

WEAPONS, AND DANGEROUS INSTRUMENTSMemorandum of Agreement

In accordance with N.J.A.C. 6:29-10.3(a) the Board of Education shall adopt a Memorandum of Agreement with appropriate law enforcement authorities consistent with the Attorney General=s Executive Directive 1988-1. The Superintendent shall consult with local law enforcement officials to review and revise the implementation of the Memorandum of Agreement.

Date: June 15, 1983

Revised: July 18, 2001

Legal References:

<u>N.J.S.A. 2A:4A-60 et seq.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A. 2C:33-19</u>	Paging devices, possession by students
<u>N.J.S.A. 2C:39-1</u>	Definitions
<u>N.J.S.A. 2C:39-5</u>	Unlawful possession of weapons
<u>N.J.S.A. 2C:39-6</u>	Exemptions
<u>N.J.S.A. 18A:6-1</u>	Corporal punishment of pupils
<u>N.J.S.A. 18A:36-19.2</u>	Student locker or other storage facility; inspections; notice to students
<u>N.J.S.A. 18A:37-1</u>	Submission of pupils to authority
<u>N.J.S.A. 18A:37-2</u>	Causes for suspension or expulsion of pupils
<u>N.J.S.A. 18A:37-2.1</u>	Assaults by pupil upon teacher, administrator, Board member or employee... suspension; expulsion proceedings
<u>N.J.S.A. 18A:37-7 through - 12</u>	Zero Tolerance for Guns Act
<u>N.J.A.C. 6:29B10 et seq.</u>	Safe and drug free schools
<u>See particularly</u>	
<u>N.J.A.C. 6:29-10.2, - 10.4(b), -10.5</u>	
<u>N.J.A.C. 6A:14-2.8</u>	Discipline/suspension/expulsion

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)

POLICY File Code: 5131.7

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Legal References: (continued)

State in Interest of T.L.O., 94 N.J. 331, 346 (1983), rev=d 515 U.S. 646 (1985)

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

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.

Key Words

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