

**Linn Benton Lincoln
Education Service District**

Code: **JFCJ**
Adopted: 2/9/2000
Revised: 2/16/22

Weapons**

Students shall not bring, possess, conceal, or use a weapon on or at any ESD property, under the jurisdiction of the ESD, any activities under the jurisdiction of the ESD or any interscholastic activities administered by a volunteer organization, unless provided as an exception in this policy.

For the purposes of this policy, and as defined by state and federal law, “weapons” includes:

1. “Dangerous weapon” – any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;
2. “Deadly weapon” – any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. “Firearm” – any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon, any firearm muffler or silencer or any destructive device;
4. “Destructive device” – Includes but is not limited to any explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device which is designed primarily or redesigned primarily for use as a signaling, pyrotechnic line-throwing, safety or similar device.

Weapons may also include, but not be limited to: knives, metal knuckles, straight razors, noxious, irritating, or poisonous gases, poisons, unlawful drugs, or other items fashioned with the intent to use, sell to, harm, threaten, or harass students, staff members, parents and patrons of the ESD.

Students found to have brought, possessed, concealed or used a firearm on property under jurisdiction of the ESD or at any activity under the jurisdiction of the ESD in violation of this policy or state law will be referred to the student’s component district and expelled for a period of not less than one year. The component district Superintendent may, on a case-by-case basis, modify this expulsion requirement. Appropriate disciplinary and/or legal action will be taken against students or others who assist in activity prohibited by this policy.

Replicas of weapons, fireworks and pocket knives are also prohibited by Board policy. Exceptions to the ESD’s replicas prohibition may be granted only with prior program administrator approval for certain curriculum or ESD-related activities. Violations will result in appropriate discipline.

Prohibited weapons, replicas of weapons, fireworks and pocket knives possessed on or about a person while on ESD property are subject to seizure or forfeiture.

In accordance with Oregon law, any ESD employee who has reasonable cause to believe a student or other person, while in a school, is or within the previous 120 days has unlawfully been in possession of a firearm or destructive device, as defined by this policy shall immediately report such violation to an administrator or designee or law enforcement. Employees who report directly to law enforcement shall also immediately inform an administrator.

Administrators shall promptly notify the appropriate law enforcement agency of staff reports received and at any other time there is reasonable cause to believe violations for firearms or destructive devices have occurred or that a student has been expelled for bringing, possessing, concealing or using a dangerous or deadly weapon, firearm or destructive device. Parents will be notified of all conduct by their student that violates this policy.

A person making a report as described above who has reasonable grounds for making the report is immune from liability, civil or criminal, that might otherwise be incurred or imposed with respect to the making or content of the report. The identity of a person participating in a good faith report as described above may not be disclosed except when allowed by law.

Employees shall promptly report all other conduct prohibited by this policy to an administrator.

Students determined to have brought, possessed, concealed or used a firearm, as defined in policy, in violation of this policy or state law will be referred to the student's component district and expelled for a period of not less than one year. The component district superintendent may, on a case-by-case basis, modify this expulsion requirement. The component district superintendent may propose alternative programs of instruction or instruction combined with counseling that are appropriate and accessible to the student, and shall provide such information in writing to the student and the parent in accordance with law¹.

Appropriate disciplinary and/or legal action will be taken against students or others who assist in activity prohibited by this policy.

Special education students shall be disciplined in accordance with federal law and Board policy JGDA – Discipline of Students with Disabilities and accompanying administrative regulation.

Exceptions to this policy include: Weapons under the control of law enforcement personnel are permitted. The superintendent may authorize other persons to possess weapons for courses, programs and activities approved by the ESD and conducted on ESD property including, but not limited to, hunter safety courses, weapons-related vocational courses or weapons-related sports.

In accordance with the federal Gun-Free School Zone Act, possession or discharge of a firearm in a school zone is prohibited. A "school zone," as defined by federal law means in or on school grounds or within 1,000 feet of school grounds.

¹ At least once every six months or at any time the information changes because of the availability of new programs.

“Gun-Free School Zone” signs may be posted in cooperation with city and/or county officials as appropriate. Violations, unless otherwise excepted by law or this policy, shall be reported to the appropriate law enforcement agency.

END OF POLICY

Legal Reference(s):

[ORS 161.605](#)

[ORS 166.210 to 370](#)

[ORS 166.382](#)

[ORS 334.125\(7\)](#)

[ORS 339.115](#)

[ORS 339.240](#)

[ORS 339.250](#)

[ORS 339.315](#)

[OAR 581-021-0050 to -0075](#)

[OAR 581-053-0010](#)

[OAR 581-053-230\(9\)\(k\)](#)

[OAR 581-053-0330\(1\)\(r\)](#)

[OAR 581-053-0430\(17\)](#)

[OAR 581-053-0630](#)

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (2018).

Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400 - 1427 (2018).

Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (2018).

Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2018).

** "As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005 (4) and 125.300 - 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000."