

First Reading of Policy

~~OSBA Model Sample Policy~~ Parkrose School District 3

Code: JFCJ
Adopted: 3/13/00
Revised:

OSBA Summary (see also KGBB)

The 2021 Oregon Legislature passed Senate Bill (SB) 554 which includes amendments to ORS 166.360 and 166.370 and is now effective.

Oregon law has allowed members of the public possessing a concealed carry license to carry firearms on district property in accordance with ORS 166.370(3)(g). SB 554 (2021) created law that now allows districts to prohibit persons with concealed carry licenses from carrying firearms on school grounds by adopting a policy and posting notice at entry points. A person who is properly licensed to carry may still possess the firearm IF the person is not otherwise prohibited from possessing and if it is unloaded and locked in a motor vehicle and in accordance with law.

OSBA considers this policy to be conditionally required because if the district wants to prohibit concealed carry licensees from carrying firearms on district property, the district must adopt a policy. If the district does not want to limit concealed carry licensees, it does not need to adopt this policy.

To institute this prohibition, this requires a policy adopted by the board, the board to identify all school grounds subject to policy in a notice posted on the board's website, and post appropriate signage "at all normal points of entry to school grounds subject to policy" (Senate Bill 554, 2021), in accordance with law.

Law enforcement are still permitted to carry and [superintendent's] may still approve use for district-sponsored activities.

Local District Responsibility

Review proposed revisions for policy JFCJ - Weapons in Schools and adopt changes. In addition, consider if new proposed policy KGBB - Firearms Prohibited is in the best interest of the district to adopt. The adoption of policy language prohibiting firearms as described in Senate Bill 554 (2021) is required only if the board intends to prohibit.

Policy(ies) and ARs Impacted by these Revisions

JFCJ – Weapons in Schools**, Required

KGBB – Firearms Prohibited, New Conditionally Required

Weapons in ~~the~~ Schools**

Students shall not bring, possess, conceal or use a weapon on or at ~~any district property~~ under the jurisdiction of the district, ~~any~~ activities under the jurisdiction of the district or ~~any~~ interscholastic activities administered by a voluntary organization.

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.

The superintendent may authorize persons to possess weapons for courses, programs and activities approved by the district and conducted on district property [including, but not limited to, hunter safety courses, weapons-related vocational courses or weapons-related sports]. The district will post a notice at any site or premise off district grounds that at the time is being used exclusively for a school program or activity. The notice shall identify the district as the sponsor, the activity as a school function and that the possession of firearms or dangerous weapons in or on the site or premises is prohibited under Oregon Revised Statute (ORS) 166.370.

For purposes of this policy, and as defined by state and federal law, "weapon" includes:

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1. A “dangerous weapon” means 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. A “deadly weapon” means any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
3. A “firearm” means 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. A “destructive device” ~~includes but is not limited to~~ ~~means~~ 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 are not limited to, knives, metal knuckles, straight razors, noxious or irritating gases, poisons, unlawful drugs or other items fashioned with the intent to use, sell, harm, threaten or harass students, staff members, parents and patrons~~ ~~community members.~~

~~Replicas of weapons, fireworks and pocket knives~~ are also prohibited by Board policy. Exceptions to the district’s replicas prohibition may be granted only with prior principal approval for certain curriculum or school-related activities.

Prohibited weapons, replicas of weapons, fireworks and pocket knives are subject to seizure or forfeiture.

In accordance with Oregon law, any district employee who has reasonable cause to believe a student or other person, while in a school, is or ~~has~~, 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, ~~his/her~~ or designee or law enforcement. ~~Any district employee who has reasonable cause to believe that a person, while in a school, is or has been in possession of a firearm or destructive device more than 120 days previously, may report to 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.

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.

Parents will be notified of all conduct by their student that violates this policy.

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

Students ~~found~~ determined to have brought, possessed, concealed or used a firearm, as defined in policy, in violation of this policy or state law shall be expelled from school for a period of not less than one year. All other violations of the policy will result in discipline up to and including may include expulsion and/or referral to law enforcement, as appropriate. The superintendent may, on a case-by-case basis, modify this expulsion requirement. The superintendent may propose alternative programs of instruction or instruction combined with counseling that are age 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.

~~Weapons under the control of law enforcement personnel [or a person who has a valid license under ORS 166.291 and 166.292] are permitted. ¶~~

~~The district [will] [may] post a notice at any site or premise off district grounds that at the time is being used exclusively for a school program or activity. The notice shall identify the district as the sponsor, the activity as a school function and that the possession of firearms or dangerous weapons in or on the site or premises is prohibited under ORS 166.370. ¶~~

~~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. ¶~~

“Gun-Free School Zone” signs [will] [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.

The superintendent will annually report the name of each school and the number of students from each listed schools expelled for bringing, possessing, concealing or using a firearm to the Oregon Department of Education.

END OF POLICY

Legal Reference(s):

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

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[ORS 161.015](#)
[ORS 166.210 - 166.370](#)
[ORS 166.382](#)
[ORS 332.107](#)
[ORS 339.115](#)
[ORS 339.240](#)

[ORS 339.250](#)
[ORS 339.315](#)
~~[ORS 339.327](#)~~
~~[ORS 809.135](#)~~
~~[ORS 809.260](#)~~

[OAR 581-021-0050 - 0075](#)
[OAR 581-053-0010\(5\)](#)
[OAR 581-053-0230\(9\)\(k\)](#)
[OAR 581-053-0330\(1\)\(r\)](#)
[OAR 581-053-0430\(17\)](#)
[OAR 581-053-0531\(16\)](#)

Gun-Free School Zones Act of 1990, 18 U.S.C. §§ 921(a)(25)-(26), 922(q) (~~2012~~2018).
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. §§ 1400-1419 (~~2012~~2018).
Youth Handgun Safety Act, 18 U.S.C. §§ 922(x), 924(a)(6) (~~2012~~2018).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101, 7111-7121 (~~2012~~2018).
Oregon Senate Bill 554 (2021).