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#### **Technical Correction - Vol. 16, No. 1 - February 2024**

##### **5772 - WEAPONS**

The Board of Education hereby finds that the safety and welfare of the citizens of this ~~District-County~~District are inextricably dependent upon assurances of safety for children attending, and the persons employed by, schools in this ~~District-County~~District.

The Board prohibits students from possessing or carrying or causing the possession or carrying of any firearm or other deadly weapon or any object fashioned to look like a weapon or a knife with a blade of three and one-half (3-1/2) inches or less on any setting that is under the control and supervision of the Board including but not limited to, property leased, owned, or contracted for by the Board, the site of any school-sponsored event, or in a Board-owned vehicle including a school bus. Any student violating this policy shall be subject to disciplinary action, up to and including expulsion.

This prohibition does not apply to an individual twenty-one (21) or older who has a valid concealed handgun permit and possesses a concealed firearm while in a motor vehicle in a public school's parking lot, traffic circle, or other area of vehicular ingress or egress so long as the firearm is out of view from individuals outside the vehicle.

Further, this prohibition does not apply to an individual twenty-one (21) or older who has a valid concealed handgun permit and possesses an unloaded firearm in a locked vehicle or locked firearm case, that is on any part of school grounds used as a parking facility provided, however, that the handgun case or rack is not visible to those passing by the vehicle (i.e., the case is in the vehicle trunk, glove box or other interior compartment, or in another locked container securely fixed to the vehicle.)

The term **deadly weapon** means an instrument ~~which~~-that is designated to be used to produce serious bodily injury or death or is readily adaptable to such use. The term deadly weapon shall include, but not be limited to the following:

**A. Antique firearm means:**

1. Any firearm, including, but not limited to, a firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system ~~which~~-that was manufactured on or before 1898;

2. Any replica of any firearm described in (A) above if such replica is not designed or redesigned to use rimfire or conventional ~~centerfire~~ centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and
  3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol, which is designed to use black powder, or black powder substitute, and which cannot use fixed ammunition. The term antique firearm shall not include any weapon ~~which~~ that includes a firearm frame or receiver, any firearm which is converted into a muzzle-loading weapon, or any muzzle-loading weapon ~~which~~ that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.
- B. **Blackjack** means a short bludgeon consisting, at the striking end, of an encased piece of lead or some other heavy substance and, at the handle end, a strap or springy shaft ~~which~~ that increases the force of impact when a person or object is struck. The term blackjack shall include, but not be limited to, a billy club, sand club, sandbag or slapjack.
- C. **Gravity** knife means any knife that has a blade released from the handle by the force of gravity or the application of centrifugal force and when so released is locked in place by means of a button, spring, lever or other locking or catching device.
- D. **Knife** means an instrument, intended to be used or readily adaptable to be used as a weapon, consisting of a sharp-edged or sharp-pointed blade, usually made of steel, attached to a handle ~~which~~ that is capable of inflicting cutting, stabbing or tearing wounds. The term knife shall include, but not be limited to, any dagger, dirk, poniard or stiletto, with a blade over three and one-half (3 1/2) inches in length, any switchblade knife or gravity knife and any other instrument capable of inflicting cutting, stabbing or tearing wounds. A pocket knife with a blade three and one-half (3 1/2) inches or less in length, a hunting or fishing knife carried for hunting, fishing, sports or other recreational uses, or a knife designed for use as a tool or household implement shall not be included within the term knife as defined herein unless such knife is knowingly used or intended to be used to produce serious bodily injury or death.
- E. **Switchblade knife** means any knife having a spring-operated blade ~~which~~ that opens automatically upon pressure being applied to a button, catch or other releasing device in its handle.
- F. **Nunchaku** means a flailing instrument consisting of two (2) or more rigid parts, connected by a chain, cable, rope or other nonrigid, flexible or springy material, constructed in such a manner as to allow the rigid parts to swing freely so that one (1) rigid part may be used as a handle and the other rigid part may be used as the striking end.
- G. **Metallic or false knuckles** means a set of finger rings attached to a transverse piece to be worn over the front of the hand for use as a weapon and constructed in such a manner that, when striking another person with the fist or closed hand, considerable physical damage may be inflicted upon the person struck. The terms metallic or false knuckles shall include any such instrument without reference to the metal or other substance or substances from which the metallic or false knuckles are made.
- H. **Pistol** means a short firearm having a chamber ~~which~~ that is integral with the barrel, designed to be aimed and fired by the use of a single hand.
- I. **Revolver** means a short firearm having a cylinder of several chambers that are brought successively into line with the barrel to be discharged, designed to be aimed and fired by the use of a single hand.
- J. **Pepper Spray** means a temporarily disabling aerosol that is composed partly of capsicum oleoresin and causes irritation, blinding of the eyes, and inflammation of the nose, throat, and skin that is intended for self-defense use.
- K. Explosive, chemical, biological and radiological materials.

The term deadly weapon does not include any item or material owned by the school or Board, intended for curricular use, and used by the student at the time of the alleged offense solely for curricular purposes. The term deadly weapon does not include pepper spray as defined above when used by any person over the age of sixteen (16) solely for self-defense purposes.

Concealed means hidden from ordinary observation so as to prevent disclosure or recognition. A deadly weapon is concealed when it is carried on or about the person in such a manner that another person in the ordinary course of events would not be placed on notice that the deadly weapon was being carried.

**Firearm** means any weapon which will expel a projectile by action of an explosion.

Exceptions to this policy include:

- A. a law enforcement officer employed by a Federal, State, county, or municipal law enforcement agency;
- B. any probation officer in the performance of his/her duties;
- C. any home confinement supervisor employed by a county commission pursuant to State law in the performance of his/her duties;
- D. a State parole officer appointed pursuant to State law while in performance of his/her official duties;
- E. a retired law enforcement officer who meets all the requirements to carry a firearm as a qualified retired law enforcement officer under the Law Enforcement Officer Safety Act of 2004, and carries that firearm in a concealed manner, and has on his/her person official identification in accordance with that act;
- F. a person, other than a student of a primary and secondary facility, specifically authorized by the Board of Education or principal of the school where the property is located to conduct programs with valid educational purposes; (working firearms and ammunition shall never be approved)
- G. a person who, as otherwise permitted, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;
- H. programs or raffles conducted with the approval of the Board of Education or school which include the display of unloaded firearms, provided that such unloaded firearm must have first had the firing mechanism removed and the firearm must thereafter have been checked by a member of the West Virginia State Police to ensure that it is safe;
- I. official mascot of West Virginia University, commonly known as "The mountaineer", acting in his/her official capacity;
- J. official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his/her official capacity;
- K. any person, twenty-one (21) years old or older, who has a valid concealed handgun permit. That person may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a school provided that when he or she is occupying the vehicle, the person stores the handgun out of view from persons outside the vehicle; or when s/he is not occupying the vehicle, the person stores the handgun out of view from persons outside the vehicle, the vehicle is locked, and the handgun is in a glove box or other interior compartment, or in a locked trunk, or in a locked container securely fixed to the vehicle;
- L. ( ☒ ) starter pistols, incapable of expelling a projectile by action of an explosion, when used in appropriate sporting events.

[ ☒ ] Students shall report any information concerning weapons and/or threats of violence by students, staff members, or visitors to the \_\_\_\_\_ school administration and/or the school resource officer (SRO) or the prevention resource officer (PRO). Failure to report such information may subject the student to disciplinary action.

This policy shall be implemented through the Code of Conduct/Student Discipline Code, and through administrative guidelines.

**x ]** The Superintendent is authorized to establish instructional programs on the weapons and the requirement that students immediately report knowledge of weapons and threats of violence by students (**x** ) and/or staff to the Building Principal. Failure to report such knowledge may subject the student to discipline.

The Superintendent shall refer any student who violates this policy to the student's parent(s) or guardian(s) and to the criminal justice or juvenile delinquency system. The student may also be subject to disciplinary action, up to and including expulsion.

Any court ~~which~~ that adjudicates a person who is fourteen (14) years of age or older as delinquent for possessing a weapon may, in its discretion, order the ~~division of motor vehicles~~ Division of Motor Vehicles to suspend any driver's license or instruction permit issued to such person for such period of time as the court may deem appropriate, such suspension, however, not to exceed beyond such person's nineteenth birthday; or, where such person has not been issued a driver's license or instruction permit by this State, order the division of motor vehicles to deny such person's application for the same for such period of time as the court may deem appropriate, such denial, however, not to extend beyond such person's nineteenth birthday.

It shall be the duty of the Principal of each school to report the possession of a weapon to the State Superintendent of Schools as soon as possible after such violation.

In addition, it shall be the duty of the Principal of each school to report any student possessing a weapon discovered by such Principal to the appropriate local office of the division of public safety (West Virginia State Police) as soon as possible after such violation occurs.

#### **Possession of Knife with a blade 3-1/2 inches in length or less**

A student shall not possess a knife or knife-like implement with a blade of 3-1/2 inches in length or less. A student possessing a knife with a blade 3-1/2 inches in length or less, not knowingly used or intended to be used to produce serious bodily injury or death, shall be subject to discipline in accordance with Policy 5600.

This policy shall be published annually in all ~~District County~~ District student and staff handbooks. Publication is not a precondition to enforcement of this policy.

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Legal

WV Code 18A-5-1a, 61-7-2, 61-7-11a, 61-7-14

18 U.S.C. 921, 20 U.S.C. 8922, 20 U.S.C. 7151

West Virginia State Board of Education policy 4373 (126 CSR 99)