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

For the purpose of this policy “firearm” and "weapon" shall have the respective meanings ascribed to such terms N.J.S.A. 2C:39-1f\(^1\) and N.J.S.A. 2C:39-1r\(^2\). 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.

Any student violating the terms of this policy shall be subject to disciplinary action as set forth in Policy 5114.00, Suspensions and Expulsion.

Date: October 9, 2006

Mandated:

N.J.A.C. 6A:16-5.5 requires the Board to adopt and implement policies and procedures regarding student offenses involving firearms.

N.J.A.C. 6A:16-5.6 requires the adoption and implementation of policies and procedures regarding any student who commits an assault with a weapon on a teacher, administrator, Board member or other

\(^1\) “2C:39-1f. "Firearm" means 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 projectile 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 an explosive or the igniting of flammable or explosive substances. It shall also include, without limitation, any firearm which 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-eighth of an inch in diameter, with sufficient force to injure a person."

\(^2\) “2C:39-1r. “Weapon” means anything readily capable of lethal use or of inflicting serious bodily injury. The term includes, but is not limited to, all (1) firearms, even though not loaded or lacking a clip or other component to render them immediately operable; (2) components which can be readily assembled into a weapon; (3) gravity knives, switchblade knives, daggers, dirks, stilettos, or other dangerous knives, billies, blackjack, bludgeons, metal knuckles, sand-clubs, slingshots, cesti or similar leather bands studded with metal filings or razor blades imbedded in wood; and (4) stun guns; and any weapon or other devices which 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.”
school employee.

N.J.A.C. 6A:16-6.1 requires adoption and implementation of policies and procedures to ensure cooperation of school staff and law enforcement in all matters relating to fire arms and other deadly weapons. Federal law requires that all school districts receiving funds under the Improving America's Schools Act of 1994 must have a policy that calls for the removal for at least one year of any student who brings a gun to school. The law also demands district policy requiring that any student who brings a weapon to school be referred to either the criminal or juvenile justice system.

Other Reasons:

N.J.S.A. 18A:37-7 through -12 requires that 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, or a school bus or at a school-sponsored function shall be removed from the regular education program for a period of not less than one calendar year, subject to modification on a case-by-case basis by the Chief School Administrator.

N.J.A.C. 6A:16-6.3(b) requires any school employee with reason to believe that a firearm or other deadly weapon has unlawfully been brought onto school property must report the suspicion to the principal.

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:33-19 Paging devices, possession by students
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: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:37-2.1 through –2.5 Assaults by pupil upon teacher, administrator, Board member or employee of Board of education; suspension; expulsion proceedings …
N.J.A.C. 6A:14-2.8 Zero Tolerance for Guns Act
N.J.A.C. 6A:16-1.1 et seq. Discipline/suspension/expulsion
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 Programs to Support Student Development
Legal References (Continued):

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


See also Commissioners’ Decisions indexed under “Pupils – Punishment of” in Index to N.J. School Law Decisions


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

Key Words

Weapons, Dangerous Instruments, Violence, Firearms