

TERRELL COUNTY BOARD POLICY
Weapons in School

Descriptive Code: JCDAE
Date: 6/10/1996
Rescinds Code: JCDAE
Date Issued: 12/4/1995

The presence of weapons on school property is detrimental to the welfare and safety of the students and school personnel, and is a violation of state law.

No person shall carry, possess, or have under such person's control any weapon or explosive compound within a school safety zone, or in any school building, on school premises, at any school sponsored function or activity, including football games, basketball games, track contests and other similar or related functions; in any school vehicle or bus; or in a private vehicle parked on school property, or on other public or private property in proximity to school property while attending school or a school sponsored or school related function. In the event a weapon is discovered on school property or is suspected to be on school property, every effort shall be made to immediately separate students and staff from the weapon. Local law enforcement shall be called immediately to remove the weapon from the school premises and retain the weapon while the matter is being resolved. For purposes of this policy, the following definitions apply:

1. A "school safety zone" is defined as the area in or within 1,000 feet of any real property owned by or leased to any public elementary school, secondary school or the Board of Education and used for elementary or secondary education.
2. "Weapon" means and includes:
 - a. Any firearm, herein defined as having the meaning set forth in 18 U.S.C. 921 (a) (3) and (4), i.e., any weapon, including a starter gun which will or is designed to or may be readily converted to expelling a projectile by the action of an explosive, or any other "destructive devise, defined to include:
 - i. Any explosive, incendiary, or poison gas:
 - a. bomb
 - b. grenade,
 - c. rocket having a propellant charge of more than four ounces
 - d. missile having an explosive or incendiary charge of more than one-quarter ounce,
 - e. mine, or
 - f. device similar to any of the devices described in the preceding clauses;
 - ii. Any type of weapon by whatever name known which will, or which may be readily converted to expel a projectile by the action of an

explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter; and

- iii. Any combination of parts either designed or intended for use in converting any device into a destructive device described in subparagraph 1 or 2 and from which a destructive device may be readily assembled.

The term "destructive device" shall not include any device which is neither designed nor redesigned for use as a weapon; any device, although originally designed for use as a weapon, which is redesigned for use as a signaling, pyrotechnic, line throwing, safety, or similar device; surplus ordinance sold, loaded, or given by the Secretary of the Army pursuant to the provisions of Section 4684 (2), 4684 or 4686 of Title X of the United States Code; or any other device which the Secretary of the Treasury finds is not likely to be used as a weapon, or is an antique.

- b. any dirk, bowie knife, switchblade knife, ballistic knife, or other knife; or
- c. straight-edge razor, **razor blade**; or
- d. spring stick, metal knucks, blackjack, or any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chuck, or fighting chain; or
- e. any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart, or any weapon of like kind.
- f. any stun gun or taser as defined in O.C.G.A. §16-11-106(a); or

Exceptions

Georgia law provides the following exceptions are made to this policy:

- a. Competitors while participating in organized sport shooting events or firearm training courses;
- b. Persons participating in school-sponsored military training programs conducted by or on behalf of the armed forces of the United States or the Georgia Department of Defense;
- c. Persons participating in law enforcement training conducted by the police academy certified by the Peace Officers Standards and Training Council, or by a law enforcement agency of the state or the United States or any political subdivision thereof;

- d. The following persons, when acting in the performance of their official duties or when enroute to or from their official duties;
 - 1. A peace officer as defined by Georgia law.
 - 2. A law enforcement officer of the United States government;
 - 3. A prosecuting attorney of this state or of the United States;
 - 4. An employee of the Georgia Department of Corrections or a correctional facility operated by a political subdivision of this state or the United States who is authorized by the head of such correctional agency or facility to carry a firearm; and
 - 5. A person employed as a campus police officer or school security officer who is authorized to carry a weapon.
- e. A person who has been authorized in writing by a duly authorized official of the school to have in his/her possession or use a weapon to be used as part of a school-sponsored activity;
- f. A person properly licensed when such person carries or picks up a student at a school building, school function, or school property, or on a bus or other school transportation;
- g. Persons employed in fulfilling defense contracts with the Government of the United States or agencies thereof when possession of the weapon is necessary for manufacture, transport, installation, and testing under the requirements of such contract;
- h. Those employees of the State Board of Pardons and Paroles when specifically designated and authorized in writing by the members of the State Board of Pardons and Paroles to carry a weapon;
- i. The Attorney General and those members of his staff whom he specifically authorizes in writing to carry a weapon;
- j. Probation supervisors employed by and under the authority of the Department of Corrections when specifically designated and authorized in writing by the director of the Division of Probation;
- k. Public safety directors of municipal corporations; and
- l. Trial judges.
- m. Medical examiners, coroners and their investigators who are employed by the State or

any political subdivision thereof;

- n. Teachers or other school personnel who are otherwise authorized to possess or carry weapons provided that the weapon is in a locked compartment of a motor vehicle or in a locked container or a locked firearms rack in the vehicle.
- o. Persons, other than students, licensed or having permits under O.C.G.A. 16-11-129 or 43-38-10, when
 - 1. Such person carries or picks up a student at a school building, school function or school property, on a bus or other transportation furnished by the school;
 - 2. Such person has any weapon legally kept within the vehicle in transit through a designated school by any person other than a student; and
 - 3. Such person has a weapon which is in a locked compartment of a motor vehicle or one which is in a locked container in or a locked firearms rack which is on a motor vehicle which is being used by an adult over 21 years of age to bring to or pick up a student at a school building, school function, or school property, or on a bus or other transportation furnished by the school; or when such vehicle is used to transport someone to an activity being conducted on school property which has been authorized by a duly authorized official of the school.
- p. Persons who reside or work in a business located in a school safety zone or who are in the ordinary course of transacting lawful business at a business located within the school safety zone;
- q. Any person who is a visitor of such resident located within a school safety zone.

Required Notice

The Superintendent shall prepare and have posted in a prominent place in each school the following notice:

NOTICE

IT IS UNLAWFUL FOR ANY PERSON TO CARRY, POSSESS OR HAVE UNDER CONTROL ANY WEAPON WITHIN A SCHOOL SAFETY ZONE OR AT A SCHOOL BUILDING. SCHOOL FUNCTION OR ON SCHOOL PROPERTY OR ON A BUS OR OTHER TRANSPORTATION FURNISHED BY THE SCHOOL.

THE TERM "WEAPON" MEANS AND INCLUDES ANY PISTOL, REVOLVER, OR ANY WEAPON DESIGNED OR INTENDED TO PROPEL A MISSILE OF ANY KIND, OR ANY DIRK, BOWIE KNIFE, SWITCHBLADE

KNIFE, BALLISTIC KNIFE, ANY OTHER KNIFE HAVING A BLADE OF TWO OR MORE INCHES, STRAIGHT-EDGED RAZOR, RAZOR BLADE, SPRING STICK, METAL KNUCKS, BLACKJACK, OR ANY FLAILING INSTRUMENT CONSISTING OF TWO OR MORE RIGID PARTS CONNECTED IN SUCH A WAY TO ALLOW THEM TO SWING FREELY, WHICH MAY BE KNOWN AS A NUN CHAHKA, NUN CHUCK, NUNCHAKU, SHURIKEN, OR FIGHTING CHAIN, OR ANY DISC OF WHATEVER CONFIGURATION, HAVING AT LEAST TWO POINTS OR POINTED BLADES WHICH IS DESIGNED TO BE THROWN OR PROPELLED AND WHICH MAY BE KNOWN AS A THROWING STAR OR ORIENTAL DART, OR ANY WEAPON OF LIKE KIND, AND ANY STUN GUN OR TASER AS DEFINED IN O.C.G.A. ♦15-11-37.

VIOLATION MAY RESULT IN CRIMINAL PROSECUTION.

[O.C.G.A. ♦16-11-127.1: 15-11-37; P.L. 103-227]

PENALTIES

Any employee who has reasonable cause to believe that a student or other person is in violation of this policy shall make a written report of that fact and the name of the person suspected to the principal of the school or the principal's designee.

All principals or other school officials or employees responsible at the school level for investigation of violations of this policy shall, as soon as possible, report any offense defined under this policy to the Superintendent or other person designated by the Superintendent to receive such reports.

The Principal, after being satisfied that the reported violation is true, shall make an oral and written report to the Superintendent, the appropriate police authority, and the district attorney.

The penalty for violation of this policy by bringing to school a firearm as defined above will be a one-year expulsion from school, except that the Superintendent may modify the expulsion requirement for good cause on a case by case basis.

The penalty for violation of this policy by bringing to school a weapon as defined above, other than a firearm, will be as provided in student disciplinary policies and may result in criminal prosecution.

STUDENTS WITH DISABILITIES; 45 DAY INTERIM ALTERNATIVE PLACEMENT

- a. Any child with a documented disability who is determined to have brought a firearm to school may be placed in an interim alternative educational setting for not more than 45 days, as determined and ordered by a special education committee qualified to make special education decisions under 20 U.S.C. ♦1401 (a) (20). If a parent or

guardian requests a due process hearing under the Individuals with Disabilities Education Act, (Public Law 94-142), the child shall nevertheless remain in the alternative educational setting above referred to during the pendency of any proceeding conducted in connection therewith, unless the parents and duly authorized school system representatives agree otherwise.

- b. Students whose disability is unrelated to misbehavior - Any student with a disability whose behavior is unrelated to the disability shall be subject to the disciplinary provision above set forth for a weapons violation as defined above, the same as a student without such a disability, except to the extent that such expulsion is inconsistent with the Department of Education's final guidance concerning state and local responsibilities under the Gun Free Schools Act of 1994, as amended, or except to the extent that such expulsion is inconsistent with any other provision of State or Federal law or regulation.