

Roane County Schools

Bylaws & Policies

5772 - WEAPONS

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

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. Any student violating this policy shall be subject to disciplinary action, up to and including expulsion.

The term "deadly weapon" means an instrument which 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. "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 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.
- B. "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.
- C. "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 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.
- D. "Switchblade knife" means any knife having a spring-operated blade which opens automatically upon pressure being applied to a button, catch or other releasing device in its handle.
- E. "Nunchaka" 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.
- F. "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.
- G. "Pistol" means a short firearm having a chamber which is integral with the barrel, designed to be aimed and fired by the use of a single hand.
- H. "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.
- I. 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.

"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. a retired law enforcement officer who:
 - 1. is employed by a State, county, or municipal law enforcement agency;
 - 2. is covered for liability purposes by his/her employer;
 - 3. is authorized by the Board of Education and the school principal to serve as security for a school;
 - 4. meets all the requirements to carry a firearm as a qualified retired law enforcement officer under the Law Enforcement Officer Act of 2004, as amended, pursuant to 18 U.S.C. 926C(c); and
 - 5. meets all of the requirements for handling and using a firearm established by his/her employer, and has qualified with his/her firearm to those requirements;
- D. persons with written approval from the Board or the building principal to conduct programs with valid educational purposes (working firearms and ammunition shall never be approved);
- E. 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;
- F. official mascot of West Virginia University, commonly known as "The Mountaineer", acting in his/her official capacity;
- G. official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his/her official capacity;
- H. starter pistols, incapable of expelling a projectile by action of 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 principal. 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.

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 and/or staff to the Building Principal. Failure to report such knowledge may subject the student to discipline.

The Superintendent will 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 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 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 will 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 will be published annually in all County student and staff handbooks. Publication is not a precondition to enforcement of this policy.

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

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