

Policy ~~7217~~ 660 – Weapons

Revised policy effective upon passage

1st reading April 11, 2019

2nd reading

3rd reading

Statutory authority West Virginia 61-7

Administrative Guidelines

(none)

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.

Subject to the exceptions listed ~~below~~ in West Virginia Code 61-7-11a, the Board prohibits any person from possessing, or carrying or causing the possession or carrying of any firearm or other deadly weapon 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 unless such person is a law-enforcement officer acting in his/her official capacity or s/he has the express written permission of the Superintendent. Any person violating this policy shall be referred to law enforcement officials and the Board may take any necessary steps to exclude the visitor from Board-sponsored events, regardless of whether such visitor possesses a valid concealed weapon license.

~~The term "deadly weapon" means an instrument which is designed to be used to produce serious bodily injury or death or is readily adaptable to such use. The terms used in application of this policy "deadly weapon" shall include, but not be limited to the definitions found in West Virginia Code 61-7-2, 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 release 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 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 term "metallic or false knuckle" 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. ~~Other deadly weapons of like kind or character above which may be easily concealed on or about the person.~~
- J. ~~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 curricula use, and used by the student at the time of the alleged offense solely for curricular purpose.

"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.

The Principal or, if the violation does not occur within his/her jurisdiction, the administrator with authority, shall refer a visitor who violates this policy to the appropriate local office of the State Police, county sheriff, or municipal police agency and the State Superintendent of Schools as soon as possible after the violation occurs and to the County Superintendent immediately.

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 Safety 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;~~
- 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, which are incapable of expelling any projectile by action of an explosion, used in appropriate sporting events.~~

~~The Board directs~~ The Superintendent to post shall cause notices to be posted prohibiting the carrying and possession of concealed weapons in all schools and school buildings, on school premises and school buses, and at school activities. The notices shall contain a statement substantially in the following form:

“Unless otherwise authorized by law, pursuant to West Virginia Code 61-7-2; 61-7-11; 61-7-1a, no person shall possess, have under the person’s control, convey, or attempt to convey a deadly weapon or dangerous ordnance into any school or school buildings, school premises or school buses, or on any grounds or premises in or upon which any school activities are taking place.”

The Superintendent shall conspicuously post such notices at each entrance of a school and/or school building and in areas inside the building where visitors are required to report. Notices shall also be posted at each entrance leading into a school activity (particularly those activities held outside of the school building) and parcel of land. Further, notices shall be posted in each school bus and all other Board-owned vehicles, ~~including any school van.~~