

Business and Noninstructional Operations

BP 3515.7(a)

FIREARMS ON SCHOOL GROUNDS

Cautionary Notice: SB 707 (Ch. 766, Statutes of 2015) amended Penal Code 626.9 and 30310 to provide that a person with a concealed weapons license must obtain written permission of the Superintendent or designee in order to possess a firearm and/or ammunition on school grounds. In view of the public interest and safety issues involved, CSBA strongly recommends that the Governing Board adopt a policy either prohibiting or permitting such possession and, if such possession is allowed, establishing conditions and criteria for granting permission to individuals. Because the law now requires an affirmative action on the part of the district to allow or disallow concealed weapons permit holders to possess a firearm and/or ammunition on school grounds, it is possible that district liability could be increased. Thus, in adopting a policy, CSBA recommends that the Board consult with the district's legal counsel and insurance provider and with local law enforcement in order to carefully tailor the following sample policy to reflect the district's local circumstances.

Note: The following **optional** Board policy should be revised to reflect district practice.

The Governing Board is committed to providing a safe environment for students, staff, and visitors on campus. The Superintendent or designee shall consult with local law enforcement, insurance carriers, and other appropriate individuals and agencies to address the security of school campuses.

(cf. 3515 - Campus Security)
(cf. 3515.2 - Disruptions)
(cf. 3515.3 - District Police/Security Department)
(cf. 4158/4258/4358 - Employee Security)
(cf. 5131.4 - Student Disturbances)
(cf. 5131.7 - Weapons and Dangerous Instruments)

District policy regarding the possession of firearms and/or ammunition on school grounds shall be included in the district's comprehensive safety plan and shall be communicated to district staff, parents/guardians, and the community.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1112 - Media Relations)
(cf. 1113 - District and School Web Sites)
(cf. 1114 - District-Sponsored Social Media)

Note: Pursuant to Penal Code 626.9 (the Gun Free School Zone Act), the possession of a firearm on school grounds or within 1,000 feet of a school is prohibited, unless the person obtains the written permission of the Superintendent or designee or meets one of the exceptions specified in law (e.g., is a law enforcement or honorably retired peace officer, a member of the military forces engaged in the performance of his/her duties, a security guard, or participating at an existing shooting range at a school). SB 707 (Ch. 766, Statutes of 2015) amended Penal Code 626.9 and 30310 to provide that the exception for a holder of a valid Carry Concealed Weapon (CCW) license applies only to the area within 1,000 feet of a school, not on school grounds. Thus, a holder of a valid CCW license may possess a firearm and/or ammunition on school grounds only if he/she obtains the written permission of the Superintendent or designee.

Pursuant to Education Code 35160 and 35161, the Board is authorized to make rules for the governance of the district. Option 1 below reflects the Board's authority to prohibit the Superintendent or designee from permitting any person who is not specifically listed in Penal Code 626.9 or 30310 from carrying a firearm

FIREARMS ON SCHOOL GROUNDS (continued)

and/or ammunition onto school grounds. Option 2 reflects the Board's authority to allow the Superintendent or designee to grant permission, on a case-by-case basis, to holders of valid CCWs within the parameters set forth in law.

~~Any person~~ Only those persons specified in Penal Code 626.9(1)-(o) and 30310 ~~is~~ are authorized to possess a firearm and/or ammunition on school grounds. *School grounds* include, but are not limited to, school buildings, fields, storage areas, and parking lots.

OPTION 1:

The Superintendent or designee shall not grant permission to any other individual to carry a firearm or ammunition on school grounds.

Note: The remainder of this policy is for use by districts selecting Option 2, which allows the Superintendent or designee to exercise the authority to grant written permission to carry a firearm and/or ammunition on school grounds. Prior to adopting Option 2, the district should consult with legal counsel, the chief of police or county sheriff, insurance carriers, and other appropriate persons or agencies to assess the district's potential liability and the potential impact on the district's tactical response and comprehensive safety plans.

OPTION 2:

Note: The following paragraph may be revised to reflect district criteria, if any, for establishing eligibility for granting written permission to other persons to carry a firearm and/or ammunition on school grounds. To comply with both state and federal law, individuals need a CCW license without any restrictions regarding carrying a firearm on school grounds. CCW licenses are issued only by a California county sheriff to residents of the county or by the chief of police to residents of the city. Pursuant to Penal Code 26150 and 26155, minimum requirements for the CCW license include proof of "good moral character," good cause for issuance of the license, fulfillment of residency requirements, and completion of a course of training. Some counties also require a psychological evaluation. According to Frequently Asked Questions on the web site of the Office of the Attorney General, California law does not honor or recognize CCW licenses issued outside the state.

In addition, the district may revise the following paragraph to specify the person(s) authorized to grant permission. Pursuant to Penal Code 626.9, the Board could grant such authority to the Superintendent, his/her designee, or "equivalent school authority," which CSBA interprets to mean anyone who is responsible for running a school or program, such as the director of a regional occupational center/program, the principal of a charter school, etc. The paragraph also may be revised to indicate whether the Board will be involved in the review of grants or denials of permission.

~~In addition, the Board authorizes the Superintendent or designee to grant written permission to a person who holds a valid Carry Concealed Weapon (CCW) license issued in California and who is at least 21 years of age to possess lawful firearms and/or ammunition on school grounds in accordance with law and Board policy.~~

Note: The following paragraph provides an example of criteria that the district may use in granting permission to its employees, and may be revised to reflect district practice.

FIREARMS ON SCHOOL GROUNDS (continued)

~~Any employee granted permission shall be an employee with no disciplinary record in the previous four years.~~

(cf. 4116 - Probationary/Permanent Status)
(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

~~No staff member shall be required to carry a firearm and/or ammunition while on school grounds.~~

Note: It is recommended that the district require any person requesting to carry a firearm and/or ammunition on school grounds to complete an application. See Exhibit (1) for a sample application form.

~~Any person requesting to carry a firearm on school grounds shall annually submit an application to the Superintendent or designee. He/she shall also provide a copy of a valid CCW license and meet any other requirement of the insurance provider, such as additional training or insurance coverage.~~

(cf. 3580 - District Records)

Note: It is recommended that any person granted permission to carry a firearm and/or ammunition on school grounds be required to read and sign a firearm and ammunition possession agreement. The agreement should specify all responsibilities and restrictions placed upon the possession of a firearm or ammunition on school grounds. See Exhibit (2) for a sample agreement.

~~Any person who is granted permission shall be required to sign the district's firearm and ammunition possession agreement. The signed agreement shall be maintained in the district's records. The principal and other appropriate staff shall be notified regarding persons who have been granted permission.~~

~~Permission shall be granted only if the Superintendent or designee is satisfied that the possession on school grounds shall be for a peaceful and lawful purpose or activity and that the possessor will at all times comply with all terms included in the district's firearm and ammunition possession agreement.~~

~~Permission to carry a firearm and/or ammunition on school grounds may be revoked by the Board or the Superintendent or designee at any time. In addition, when any person granted permission to possess a firearm on campus is directed to leave school grounds for reasons of disruption or other violation of law or district policy, the permission is automatically revoked.~~

FIREARMS ON SCHOOL GROUNDS (continued)

Legal Reference:

EDUCATION CODE

32281 *Comprehensive safety plan*

35160 *Powers and duties of the board*

35161 *Powers and duties of the board; authority to delegate*

38001.5 *District security officers; requirements if carry firearm*

PENAL CODE

626.9 *Gun Free School Zone Act*

830.32 *District police department; district decision to authorize carrying of firearm*

16150 *Definition of ammunition*

16520 *Definition of firearm*

26150-26225 *Concealed weapons permit*

30310 *Prohibition against ammunition on school grounds*

UNITED STATES CODE, TITLE 18

921 *Definitions, firearms and ammunition*

922 *Firearms, unlawful acts*

923 *Firearm licensing*

UNITED STATES CODE, TITLE 20

7151 *Gun-Free Schools Act; student expulsions for possession of firearm*

Management Resources:

WEB SITES

Office of the Attorney General: <https://oag.ca.gov/firearms>

Business and Noninstructional Operations

E(1) 3515.7(a)

FIREARMS ON SCHOOL GROUNDS

APPLICATION FOR FIREARM/AMMUNITION ON SCHOOL GROUNDS

Note: The following Exhibit is for use by districts that authorize the Superintendent or designee to grant permission to carry a firearm or ammunition on school grounds pursuant to Penal Code 626.9 and 30310; see Option 2 in the accompanying Board policy. The district may revise this sample application in order to obtain any other information needed to determine if the individual meets district eligibility criteria.

Please fill out all three sections of this application and attach all documents listed in Section 2. Incomplete applications will not be processed.

Return this application to:

(title)

(address)

SECTION 1. Identifying Information

Name: _____ Date of Birth: _____

Phone: _____ Email: _____

School(s) at which I seek permission to carry a firearm and/or ammunition:

I am a (check one or more):

District employee (Job title: _____ Location: _____)

Parent/guardian of child(ren) at the following school(s): _____

Other: _____

Reason for requesting permission to carry firearm and/or ammunition on school grounds:

~~FIREARMS ON SCHOOL GROUNDS~~ (continued)

~~SECTION 2. Required Documents~~

The following documents must be attached to this application:

- ~~1. Copy of a valid Carry Concealed Weapon (CCW) license issued in California~~

~~Date of expiration: _____~~

~~Note: The district may add other documents required by the district or its insurance provider, such as documentation of insurance coverage or training.~~

- ~~2. _____~~

~~SECTION 3. Acknowledgment~~

~~I understand that by submitting this application I am certifying under penalty of perjury under the laws of the State of California that the information provided is accurate and all documents attached are true and correct copies of the original. I understand that the decision to grant me permission to carry a firearm and/or ammunition on school grounds is at the sole discretion of the school district.~~

~~Print name: _____ Date: _____~~

~~Signature: _____~~

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E(2) 3515.7(a)

FIREARMS ON SCHOOL GROUNDS

FIREARM AND AMMUNITION POSSESSION AGREEMENT

Note: The following Exhibit is for use by districts that authorize the Superintendent or designee to grant permission to carry a firearm or ammunition on school grounds pursuant to Penal Code 626.9 and 30310; see Option 2 in the accompanying Board policy. The following agreement is intended as a sample only. The district should consult with legal counsel, the county sheriff and/or city chief of police, insurance carriers, and others as appropriate to determine the content that should be included in the district's agreement.

The district permits the possession of firearms and ammunition on school grounds consistent with applicable law and Board policy. Before the Superintendent or designee grants such permission to any person to possess a firearm or ammunition on school grounds, the person requesting such permission must agree to the conditions described below regarding acceptable use and the safety restrictions imposed by the district.

I. Definitions

Note: The definitions of "ammunition," "firearm," and "carry concealed weapon" below reflect the provisions of Penal Code 16150, 16520, and 26170, respectively. Because federal and state gun laws and regulations change frequently and may impact these definitions, the district should regularly review this agreement in consultation with legal counsel to ensure that these definitions are current.

Ammunition means, but is not limited to, any bullet, cartridge, magazine, clip, speed loader, autoloader, or projectile capable of being fired from a firearm with a deadly consequence. Ammunition does not include blanks.

Firearm means a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.

Carry Concealed Weapon (CCW) license means a valid, current permit to carry a concealed firearm issued by a county sheriff or chief of police within California and must contain no restriction on the carrying of a firearm on school grounds.

School grounds include, but are not limited to, school buildings, fields, storage areas, and parking lots.

II. District Rights

Note: The following section contains some of the rights that the district may wish to retain with respect to the possession of firearms and/or ammunition on school grounds. It is by no means exhaustive, and CSBA recommends that the district consult its legal counsel to modify or expand the list as necessary.

The Superintendent or designee shall notify the principal and other appropriate staff of all persons granted permission to carry a firearm and/or ammunition on school grounds.

~~FIREARMS ON SCHOOL GROUNDS~~ (continued)

~~Permission to carry a firearm and/or ammunition does not necessarily apply to all types of lawful firearms or ammunition. The Superintendent or designee may deny permission for any specific type of firearm or ammunition or otherwise change the scope of the permission.~~

~~The Superintendent or designee shall notify law enforcement in the event that the person uses a firearm or ammunition in a manner that threatens the safety of other persons or district property.~~

~~The district reserves the right to revoke, at any time, the permission granted to an individual to possess a firearm and/or ammunition on school grounds. Grounds for revocation include, but are not limited to, a violation of law, Board policy, or any terms of this Agreement; concerns of the Superintendent or designee about the individual's ability to safely use the firearm or ammunition on school grounds; or any subsequent change in Board policy that would prohibit the granting of permission to any individual.~~

~~III. Responsibilities~~

~~Note: The following section contains some of the responsibilities of individuals who have written permission to carry a firearm and/or ammunition on school grounds. It is by no means exhaustive, and CSBA recommends that the district consult its legal counsel and insurance provider to modify or expand the list as necessary.~~

~~Responsibilities of any person given permission to carry a firearm or ammunition on school grounds include, but are not necessarily limited to:~~

- ~~1. Abiding by all applicable laws, Board policy, and the terms of this Agreement~~
- ~~2. Ensuring the safe storage and handling of the firearm and ammunition~~
- ~~3. Notifying the Superintendent or designee whenever the CCW license is revoked, expires, has new restrictions placed on it, or is renewed during the term of this Agreement and providing a copy of the renewed license as applicable~~
- ~~4. Only using the firearm and/or ammunition during an emergency that threatens the safety of students, staff, or other persons on school grounds and in accordance with applicable laws and the terms of the CCW license~~

~~IV. Acknowledgment of Receipt and Agreement~~

~~I acknowledge that I have received, read, and understood the Firearms and Ammunition Possession Agreement. I understand that any violations of this Agreement may be grounds for revocation of the Agreement.~~

~~FIREARMS ON SCHOOL GROUNDS~~ (continued)

~~For district employees: In addition, I understand that any violations of this Agreement may result in disciplinary action, up to and including termination.~~

~~My signature below indicates my knowing and voluntary acceptance of all the terms of this Agreement. I understand it is my obligation to apply to renew this Agreement before it expires in order to continue to possess a firearm or ammunition on school grounds.~~

Print Name

Signature

Date

VI. District Permission

Note: The following section should be signed by the Superintendent, his/her designee, or equivalent school authority authorized by the Governing Board to grant written permission pursuant to Penal Code 626.9. See the accompanying Board policy.

~~Pursuant to Penal Code 626.9 and 30310 and as authorized by the Governing Board, I grant written permission to the following individual, whose name appears on the signature line under Section IV — Acknowledgement of Receipt and Agreement, to carry a firearm or ammunition on school grounds under the terms of this Agreement.~~

~~I reserve the right to revoke or modify the scope of the permission granted in this Agreement. This Agreement shall automatically expire on the date listed below and may be renewed subject to district criteria.~~

Name

Title

Signature

Date

~~Expiration date of Agreement: _____~~