

# POLICY GUIDE

OPERATIONS  
8467/page 1 of 4  
Firearms and Weapons  
June 24  
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[See POLICY ALERT No. 233]

## 8467 FIREARMS AND WEAPONS

The Board of Education prohibits the possession, use, or exchange of any **firearm** or weapon in any school building, on school grounds, at any school-sponsored event, and on school sanctioned transportation except as the possession and use of a **firearm** or weapon is authorized by law and required in the performance of the possessor's duty.

For the purpose of this Policy, "weapon" means **items enumerated in N.J.S.A. 2C:39-1(r), except a firearm as defined by N.J.S.A. 2C:39-1(f). anything readily capable of lethal use or of inflicting serious bodily injury. "Weapon" includes, but is not limited to, all firearms, knives, dangerous instruments intended to inflict harm, components that can be readily assembled into a weapon, explosive devices, and imitation firearms.** For the purposes of this Policy, "firearm" means those items enumerated in N.J.S.A. 2C:39-1(f) and 18 U.S.C. §921.

**Pursuant to N.J.A.C. 6A:16-6.3(b), whenever a school employee develops reason to believe a firearm, as defined in N.J.S.A. 2C:39-1(f) and 18 USC §921, or other deadly weapon, whether enumerated in N.J.S.A. 2C:39-1(r), except a firearm as defined in N.J.S.A. 2C:39-1(f) and 18 USC §921, has unlawfully been brought onto school grounds or a student or other person is in unlawful possession of a firearm or other deadly weapon on or off school grounds, or a student or other person has committed an offense with or while in possession of a firearm on or off school grounds or during school operating hours, the matter shall be reported as soon as possible to the Principal or designee, or in the absence of the Principal or designee, to the staff member responsible at the time of the alleged violation. Either the Principal or designee or the responsible staff member shall notify the Superintendent, who in turn shall notify as soon as possible the county prosecutor or other law enforcement official designated by the county prosecutor to receive such information. The Superintendent or designee shall provide to the county prosecutor or designee all known information**



# POLICY GUIDE

concerning the matter, including the identity of the student or staff member involved.

OPERATIONS  
8467/page 2 of 4  
Firearms and Weapons

~~Any student or school employee who has reasonable grounds to suspect the presence of a weapon prohibited by this policy shall immediately report his/her suspicion to the \_\_\_\_\_.~~ The **Principal or designee** \_\_\_\_\_ ~~(same as previous sentence)~~ shall conduct an appropriate search in accordance with Policy No. 5770 – **Student Right of Privacy** and, if **appropriate and feasible**, confiscate any **firearm or** weapon discovered in the course of the search. **The Principal or designee** ~~He/she shall, if appropriate and feasible;~~ may summon the aid of law enforcement **officials** ~~officers~~ in the conduct of the search. Any school employee who confirms the presence of a **firearm or** weapon under circumstances that place persons at serious risk may confiscate the **firearm or** weapon immediately and may use such force as is reasonable and necessary to obtain possession.

Unless the **firearm or** weapon has been taken into custody by a law enforcement **official** ~~officer~~, the **Principal or designee** \_\_\_\_\_ shall immediately **secure the store** ~~any~~ confiscated **firearm or** weapon in a **securely and locked location** ~~box or container~~ and report the presence of the **firearm or** weapon to the Superintendent. Pursuant to N.J.A.C. 6A:16-6.3(b), ~~t~~The Superintendent shall promptly notify, by telephone call and by letter, **local law enforcement** ~~the Chief of Police of \_\_\_\_\_~~ **(the municipality; regional districts state "the municipality in which the school district is located")** that a **firearm or** weapon is present on school premises; ~~the notice shall~~ **and** request removal of the **firearm or** weapon by an authorized law enforcement **official** ~~officer~~. The Superintendent shall obtain and file a receipt for any **firearm or** weapon removed by a law enforcement **official** ~~officer~~.

Any student who possesses, uses, or exchanges a **firearm or** weapon in violation of this **Ppolicy** shall be subject to stringent discipline, ~~which may include expulsion~~. Any student or school employee who suspects or knows of the presence of a **firearm or** weapon in violation of this **Ppolicy** and fails to report the same shall be subject to discipline. Pursuant to N.J.A.C. 6A:16-6.3(b), ~~a~~Any person who possesses a **firearm or** weapon on school premises or school transportation or at a school-sponsored function shall be reported to the



# POLICY GUIDE

appropriate law enforcement agency.

**The Board shall immediately remove a student who is convicted or adjudicated delinquent for possession of a firearm on school grounds; convicted or adjudicated delinquent for committing a crime while in possession of a firearm on school grounds; or found knowingly in possession**

OPERATIONS  
8467/page 3 of 4  
Firearms and Weapons

**of a firearm on school grounds from the school's general education program for a period of not less than one calendar year, in accordance with N.J.A.C. 6A:16-5.5(a) and Policy and Regulation 5611 – Removal of Students for Firearms Offenses.**

~~Any student who is convicted or is an adjudicated delinquent for possession of a firearm or who is found to be in possession of a firearm on school property must be immediately removed from the regular education program and provided with an alternative program, pending a hearing before the Board of Education. Students convicted or found to be delinquent for possessing a firearm on school property, on a school bus, or at a school-sponsored function or committing a crime while possessing a firearm shall be immediately removed from the regular education program for a period of not less than one calendar year and placed in an alternative education school or program pending a hearing before the Board of Education to remove the student. (Chapters 127 and 128 of 1995, The Zero Tolerance for Guns Act)~~

**The Board shall immediately remove a student who commits an assault, as defined under N.J.S.A. 2C:12-1a(1), with a weapon, which includes, but is not limited to, items enumerated in N.J.S.A. 2C:39-1(r), except a firearm as defined by N.J.S.A. 2C:39-1(f) and 18 USC §921, upon a teacher, administrator, other school board employee, district Board of Education member, or another student on school grounds, pursuant to N.J.S.A. 18A:37-2.2 through 2.5, from the school's general education program for a period not exceeding one calendar year, in accordance with N.J.A.C. 6A:16-5.6(a) and (b) and Policy and Regulation 5613 – Removal of Students for Assaults with Weapons Offenses. Any student who commits an assault upon members of the school community with a weapon other than a firearm on school property must be immediately removed from the regular education program and provided with an alternative program, pending a hearing before the Board of Education. (Chapters 127 and 128 of 1995, The Zero Tolerance for Guns Act)**



# POLICY GUIDE

Students with disabilities violating the provisions of this Policy shall be **addressed** ~~dealt with~~ in accordance with **the provisions of N.J.A.C. 6A:14-2.8.**

Nothing in this Policy shall be construed to prohibit the reporting of a crime committed by a child with a disability to the appropriate law enforcement or judicial authorities, or to prevent such authorities from exercising their responsibilities with regard to the application of Federal or State law to crimes committed by a child with disabilities.

OPERATIONS  
8467/page 4 of 4  
**Firearms and Weapons**

**The procedures for ~~Any student requiring~~ removal from and return to the general regular education program of a student for firearms offenses and assaults with weapons offenses for the reasons enumerated above shall be removed in accordance with Policy and Regulation No. 5611 – Removal of Students for Firearms Offenses and Policy and Regulation 5613 – Removal of Students for Assaults with Weapons Offenses.**

The Superintendent, or designee, shall prepare regulations to implement this Policy for the guidance of school staff in dealing with incidents involving **firearms or weapons** in the school district.

**The school district's reporting requirements to law enforcement officials and the handling of firearms and weapons outlined in this Policy and Regulation 8467 and in accordance with N.J.A.C. 6A:16-3 and N.J.A.C. 6A:16-4 shall be in addition to any reporting and handling requirements included in the current Memorandum of Agreement Between Education and Law Enforcement Officials.**

N.J.S.A. 2C:12-1(a)1; 2C:39-1 et seq.; 2C:58-6.1; 2C:58-15  
N.J.S.A. 18A:6-1; 18A:37-2.2; 18A:37-2.3; 18A:37-2.4; 18A:37-2.5  
N.J.S.A. 23:4-16  
N.J.A.C. 6A:14-2.8 et seq.; 6A:16-5.5; 6A:16-5.6; 6A:16-6.3; 6A:16-6.4  
Chapters 127 and 128 of 1995, The Zero Tolerance for Guns Act  
18 U.S.C: 921  
20 U.S.C: 1415

Adopted: 14 September 2021  
Revised/Readopted: \_\_\_\_\_, 2025

