



POLICY 2.383

5-C I recommend that the Board approve development of the proposed **revised** and newly numbered Policy 2.383, entitled “Firearms and Weapons.”

[Contact: James Kelly, PX 48435.]

Development

CONSENT ITEM

- The revised policy is being removed from Chapter 3 (Personnel) and renumbered for inclusion in Chapter 2 (General Administration) upon its adoption.
- Revisions to the policy have been made to comply with Florida laws governing firearms and weapons in certain public and private places. During the 2011 Florida Legislative Session, the Florida Legislature enacted Sec. 790.33, FS, preempting the regulation of firearms and ammunition in Florida to the Legislature. As a result counties, cities, and school boards are required to amend or repeal any ordinances or policies regarding the regulation of firearms.
- The proposed revised policy conforms the policy to the provisions of Florida laws.
- Firearms on the grounds and facilities of any schools or career centers are governed by separate Florida laws. Unless otherwise authorized, Sec. 790.115(2)(a), FS, prohibits firearms, etc., at support of school-sanctioned activities, at a school-sponsored event or on the property of any school, school bus, or school bus stop. Specifically, Sec. 790.115(2)(a)(3), permits school boards to adopt policies to prohibit firearms, etc., in vehicles for the purposes of student and campus parking privileges. Such a prohibition has been provided for in section 5a (lines 63-70) of the revised policy.

POLICY 2.383 ~~3.26~~

FIREARMS AND WEAPONS
~~POSSESSION OF FIREARM BY A SCHOOL DISTRICT~~
~~EMPLOYEE/CONTRACTOR/VISITOR ON SCHOOL DISTRICT PROPERTY~~

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5 1. **Purpose.** The School Board of Palm Beach County (School Board) believes
6 that the presence of weapons and firearms on school property poses a serious
7 threat to the safety and well being of students and staff. Thus, the School Board
8 desires to maintain a positive, safe and secure learning and working environment
9 in the Palm Beach County School District (School District), consistent with Florida
10 laws.
- 11 2. **.Applicability of Policy.** This policy is applicable to all District students,
12 employees, independent contractors and visitors.
- 13 3. **Definitions:** For the purposes of this policy, the following terms shall have the
14 following meanings.
 - 15 a. "Firearm" means any weapon (including a starter gun ~~or antique firearm~~)
16 which will, is designed to, or may readily be converted to expel a projectile by
17 the action of an explosive; the frame or receiver of any such weapon; any
18 firearm muffler or firearm silencer; any destructive device; or any machine
19 gun. The term "firearm" does not include an antique firearm unless the
20 antique firearm is used in the commission of a crime.
 - 21 b. "Independent Contractor" means any person or company other than a School
22 District employee, who provides goods and/or services to the School District
23 and enters into a contracted agreement with the School District.
 - 24 ~~c. "Employee" means any person hired by the School District after completing~~
25 ~~the personnel procedures required by the School District.~~
 - 26 c. **"Trespasser" means any person who:**
 - 27 i. Does not have legitimate business on the campus or any other
28 authorization, license or invitation to enter or remain upon school
29 property; or
 - 30 ii. Is a student currently under suspension or expulsion; or
 - 31 iii. Any person who enters or remains upon the campus or other facility of a
32 school after the principal of such school, or his or her designee, has
33 directed such person to leave such campus or facility or not to enter upon

34 the campus or facility.

35 ~~"Visitor" means any business or personal invitee including, but not limited to,~~
36 ~~parents, volunteers, family members of School District employees or friends of~~
37 ~~School District employees.~~

38 d. "Electric weapon or device" means any device which, through the application
39 or use of electrical current, is designed, redesigned, used, or intended to be
40 used for offensive or defensive purposes, the destruction of life, or the infliction
41 of injury.

42 e. "Weapon" means any dirk, knife, metallic knuckles, slingshot, billie, tear gas
43 gun, chemical weapon or device, razor blade, box cutter, or other deadly
44 weapon except a firearm or a common pocketknife, plastic knife, or blunt-
45 bladed table knife.

46 f. "School" means the grounds or any facility of any kindergarten, elementary
47 school, middle school, junior high school, secondary school, or career center
48 of the School District.

49 g. "District vehicles" mean School Board owned, rented or leased vehicles that
50 are used in the performance of work duties for the District.

51 4. Exceptions for Firearm Possession. The prohibition against possession of a
52 firearm as provided herein shall not apply to:

53 a. A firearms program, class or function, as JROTC, which has been approved
54 in advance by the principal or chief administrative officer of the school as a
55 program or class to which firearms could be carried.

56 b. A career center having a firearms training range.

57 c. Law enforcement officers, as defined by state or federal laws.

58 d. Any District employee/contractor or vendor who is required as part of his/her
59 regular job responsibilities with the School District to carry a firearm as
60 approved by the Superintendent or his/her Designee.

61 5. Policy Statements. Except as stated in Section 4 above, no person shall possess
62 and/or use of any firearm, electric weapon or device, destructive device, or other
63 weapon as defined above at a school-sponsored event, on the property of any
64 school, on a school bus, at any school bus stop, or on any District vehicle, or at
65 any meeting of the School Board.

66 a. Prohibition in School Parking. For the purposes of student and school
67 campus parking, the Board waives the exception in Sec. 790.115(2)(a)(3), Fla.

68 Stat. Thus, no person shall possess a firearm in any vehicle, locked or
69 unlocked, parked on any school property, at any school facility, or at any
70 school sponsored events.

71 **6. Consequences of Violations.**

72 a. Students. Any student found to be in violation of this policy shall be
73 disciplined in accordance with the Student Code of Conduct, as provided for in
74 Board Policies 5.18, 5.1812 and 5.1813. Students who violate these policies
75 may be suspended or expelled, and may be immediately referred to legal
76 authorities.

77 i. Students with Disabilities. If the student alleged to be violating this
78 policy is a student with disabilities, the discipline of the student is
79 governed by federal laws, state, State Board of Education Rules and
80 Board Policies 5.189 or 5.1891.

81 b. Employees. Any District employee found to be in violation of this policy, or
82 being in possession of a firearm or weapon in the work place unrelated to the
83 individual's job duties, shall be subject to discipline, up to and including
84 termination, in accordance with Board policies and/or the pertinent collective
85 bargaining agreement, and may be immediately referred to legal authorities.

86 ~~3. No person may possess or bring a firearm on School District property.~~
87 ~~Employees who possess or bring a firearm on School District property shall be~~
88 ~~terminated.~~

89 ~~4. No person who has a firearm in their vehicle may park their vehicle on~~
90 ~~School District property. Employees who park on School District property, with~~
91 ~~a firearm in their vehicle will be subject to disciplinary action up to and~~
92 ~~including termination.~~

93 **7. Consequences for Employees and Independent Contractors.** ~~5.~~ All Contract
94 Agreements with Independent Contractors shall provide that if any employee of an
95 Independent Contractor or Sub-Contractor is found to have brought a firearm on
96 School ~~District~~ property, said employee will be terminated from the School District
97 project by the Independent Contractor or the Sub-Contractor. If the Sub-Contractor
98 fails to terminate said employee, the Sub-Contractor's Agreement with the
99 Independent Contractor for the School District project shall be terminated. If the
100 Independent Contractor fails to terminate said employee or fails to terminate the
101 Agreement with the Sub-Contractor who fails to terminate said employee, the
102 Independent Contractor's Agreement with the School District shall be terminated.

103 ~~6. Except to the extent allowed by law, any visitor found to have brought a firearm~~
104 ~~on School District property shall be notified that all subsequent visits to School~~

105 ~~District property will be by appointment only, and that visits without prior~~
106 ~~appointment may result in a criminal action for trespass.~~

107 ~~7. This Policy does not apply to any Law Enforcement Officer as defined in Section~~
108 ~~943.10(1), (2), (3), (4), (6), (7), (8), (9), or (14), Florida State Statutes or any other~~
109 ~~employee/contractor or vendor who is required as part of his/her regular job~~
110 ~~responsibilities with the School District to carry a firearm as approved by the~~
111 ~~Superintendent or his/her Designee.~~

112 STATUTORY AUTHORITY: Fla. Stat. §§ 230.03(2); 230.22(1), (2), (3), (4); 1001.41;
113 1001.42; 790.115(3)

114 LAWS IMPLEMENTED: Fla. Stat. §§ 790.001; 790.33; 790. 251; 790.25, 790.115

115 HISTORY: (previously as 3.26) 01/18/95; 5/6/99; __/___2011

Legal Signoff:

The Legal Department has reviewed proposed Policy 2.383 and finds it legally sufficient for development by the Board.

Attorney

Date