

Wayne County Board of Education

POLICY 7217

(Property: Weapons)

***Your comments concerning this policy should be sent
in writing to:***

***Mrs. Carol Prince
Executive Secretary
Wayne County Board of Education
PO Box 70
Wayne, WV 25570***

***This policy is out for public comment for 10 working days beginning
Wednesday, April 10, 2024 through Tuesday, April 23, 2024.***

Book	Public Comment 4/10/24-4/23/24
Section	Volume 15, No. 2 - August 2023
Title	Revised Policy - Vol. 15, No. 2 - August 2023 - WEAPONS
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Last Revised	October 11, 2022

Revised Policy - Vol. 15, No. 2 - August 2023**7217 - WEAPONS**

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

Subject to the exceptions listed below, 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, including a school bus, 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.

This prohibition does not apply to an individual twenty-one (21) or older who has a valid concealed handgun permit and possesses a concealed firearm while in a motor vehicle in a public school's parking lot, traffic circle, or other area of vehicular ingress or egress so long as the firearm is out of view from individuals outside the vehicle.

Further, this prohibition does not apply to an individual twenty-one (21) or older who has a valid concealed handgun permit and possesses an unloaded firearm in a locked vehicle or locked firearm case, that is on any part of school grounds used as a parking facility provided, however, that the handgun case or rack is not visible to those passing by the vehicle (i.e., the case is in the vehicle trunk, glove box or other interior compartment, or in another locked container securely fixed to the vehicle).

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 term deadly weapon shall include, but not be limited to the following:

A. Antique firearm means:

1. Any firearm, including, but not limited to, a firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system which was manufactured on or before 1898;

2. Any replica or any firearm described in (A) above if such replica is not designed or redesigned to use rimfire or conventional centerfire fixed ammunition which is no longer manufactured in the United States and which is not readily available in the ordinary channels of commercial trade; and
 3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol, which is designed to use black powder, or black powder substitute, and which cannot use fixed ammunition. The term "antique firearm" shall not include any weapon which includes a firearm frame or receiver, any firearm which is converted into a muzzle-loading weapon, or any muzzle-loading weapon which can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock, or any combination thereof.
- B. 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.
- C. 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.
- D. 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.
- E. 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.
- F. Nunchaku** 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.
- G. 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.
- H. 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.
- I. 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.

- J. **Pepper Spray** means a temporarily disabling aerosol that is composed partly of capsaicin oleoresin and causes irritation, blinding of the eyes, and inflammation of the nose, throat, and skin that is intended for self-defense use.
- K. Other deadly weapons of like kind or character above which may be easily concealed on or about the person.
- L. 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. The term deadly weapon does not include pepper spray as defined above when used by any person over the age of sixteen (16) solely for self-defense 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.

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 policy agency and the State Superintendent of Schools as soon as possible after the violation occurs and to the 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. any home confinement supervisor employed by a county commission pursuant to State law in the performance of his/her duties;
- D. a State parole officer appointed pursuant to State law while in performance of his/her official duties;
- E. a retired law enforcement officer who meets all the requirements to carry a firearm as a qualified retired law enforcement officer under the Law Enforcement Officer Safety Act of 2004, and carries that firearm in a concealed manner, and has on his/her person official identification in accordance with that act;
- F. a person other than a student of a primary and secondary facility, specifically authorized by the Board of Education or principal of the school where the property is located to conduct programs with valid educational purposes; (working firearms and ammunition shall never be approved);
- G. a person who, as otherwise permitted, possesses an unloaded firearm or deadly weapon in a motor vehicle or leaves an unloaded firearm or deadly weapon in a locked motor vehicle;
- H. programs or raffles conducted with the approval of the Board 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 Policy to ensure that it is safe;

- I. official mascot of West Virginia University, commonly known as "The Mountaineer", acting in his/her official capacity;
- J. official mascot of Parkersburg South High School, commonly known as the Patriot, acting in his/her official capacity;
- K. any person twenty-one (21) years old or older, who has a valid concealed handgun permit.

That person may possess a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other areas of vehicular ingress or egress to a school provided that when s/he is occupying the vehicle, the person stores the handgun out of view from persons outside the vehicle; or when s/he is not occupying the vehicle, the person stores the handgun out of view from persons outside the vehicle, the vehicle is locked, and the handgun is in a glove box or other interior compartment, or in a locked trunk, or in a locked container securely fixed to the vehicle.

- L. **(x)** 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 notices 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.

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Legal WV Code 61-7-2, 61-7-11, 61-7-11a, 61-7-14
18 U.S.C. 922