



## Superintendent's Circular

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Version 01

### WEAPONS AND OBJECTS OF NO REASONABLE USE

*This circular will remain in effect unless rescinded or superseded by a subsequent version*

The Code of Conduct lists as grounds for suspension or expulsion the possession of any dangerous weapon, including but not limited to a firearm, knife, razor blade, club, explosive, taser, stun gun mace/pepper spray, tear gas, brass knuckles, studded bracelet, other dangerous weapons, or dangerous objects of no reasonable use to the student at school. (See Code of Conduct Sections 7.4 and 14.13).

Heads of school and principals should note that as of January 1999, the Boston City Council enacted an ordinance restricting the sale, possession, and use of laser pointer devices (Ord. 1999 c. 2 § 4)). As a result of that ordinance, persons under twenty-one years of age are prohibited from possessing any laser pointer device on any school property within the City of Boston. Laser pens and other laser pointer devices are considered to be objects of no reasonable use within the meaning of the Code of Conduct. Students found in possession of such devices are subject to the provisions of Section 7.4 of the code. Students may also be subject to non-criminal court proceedings, under MGL, c.40, s.21D.

Heads of school and principals must communicate to students that the possession of any weapon or object of no reasonable use in school, on the way to school, or during school-related activities

is strictly forbidden, and that violations of this rule will be dealt with appropriately. Students must also be advised that under certain circumstances when evidence exists of serious misconduct outside of school — for example, a student's being charged with or convicted of a felony, such that the student's continued presence in school will have a substantial detrimental effect on the general welfare of the school — these shall be considered school related offenses and shall be dealt with in accordance with Section 7.0 of the Code of Conduct.

Heads of school and principals must incorporate salient and pertinent information from the above two paragraphs into all school-based rules and student handbooks. Students and parents must be informed that such information serves as prior and ample notice of the School Department's policy regarding weapons and other objects of no reasonable use. The phrase **"prior and ample notice"** is to be included in school-based rules and student handbooks.

The Educational Reform Act of 1993 requires that all student handbooks include the following information. Such information is to be incorporated into all school-based rules as well.

1. Any student found in possession of a dangerous weapon, including but not limited to a firearm or a knife; or found in possession of a controlled substance, including but not limited to marijuana, cocaine, or heroin, on school premises or at a school sponsored or school related event, including athletic games, may be subject to expulsion.

2. Any student who assaults a staff member on school grounds, or at a school sponsored, or school related event, including athletic games, may be subject to expulsion.

Massachusetts law requires all school staff personnel to report in writing to their immediate supervisor any incident involving a student's possession or use of a dangerous weapon on school premises, (MGL, c.71, s.31 L). Refer to MGL, c.269, s.10 and the Code of Conduct for definitions of dangerous weapons.

If a dangerous weapon or an object of no reasonable use is confiscated, the following steps are to be taken:

1. Each item is to be kept in the possession of the administrator, who will notify the Department of Safety Services immediately upon confiscation. If the item is a firearm, the Boston Police are to be immediately notified by telephone, using the 911 emergency line. School Department personnel will comply with subsequent instructions issued by the police.
2. Safety Services will hold items, other than firearms, making them available for hearings, conferences, and court proceedings for a reasonable period.
3. Following any parental conferences and court proceedings, items which are classified as dangerous weapons under MGL, c. 269, s.10 or MGL, c. 140, s.131 J shall be turned over to the Boston Police by the Department of Safety Services.
4. In no instances will a dangerous weapon or an object of no reasonable use be returned to a student. The Department of Safety Services will be responsible for returning any

property not classified as a dangerous weapon to the parent or legal guardian upon written request.

5. Objects of no reasonable use not claimed by a parent or guardian within a reasonable period will be turned over to the Boston Police Department for destruction.

All staff members are expected to meet the same standards that hold for students. Employees of the Boston Public School are prohibited from bringing firearms or other dangerous weapons onto school property at any time. Except for law enforcement officials, it is a violation under federal and state law for anyone to bring a firearm, loaded or unloaded, into an elementary school, a secondary school, or a college or university, even if that person is otherwise licensed to carry a firearm.

**For more information about this circular, contact:**

Owner:	Deputy Chief of Safety
Department:	Safety Services
Mailing Address:	213 Townsend Street, Dorchester, MA 02121
Phone:	617-635-8000
Fax:	617-635-8006
Email:	<a href="mailto:Operations-Department-Heads@bostonpublicschools.org">Operations-Department-Heads@bostonpublicschools.org</a>

Mary Skipper, Superintendent