

Portland Public School District 1st Reading

DATE OF FIRST READING: May 10, 2022

PUBLIC COMMENT FOR Policy 3.40.014-P: Weapons, Explosives and Fire Bombs

The Portland Public School District is providing Notice of Proposed Revised Policy and Public Comment to offer interested parties reasonable opportunity to submit data or comments on the proposed policies noted below.

Public comment may be submitted in writing directly to the district or through the district website noted below. Written comments must be submitted by 5:00pm on the Last Date for Comment listed below.

COMMENT OPEN UNTIL AT LEAST May 31, 2022

Summary: Weapons, Explosives and Fire Bombs 3.40.014-P

1st Reading by: Director Julia Brim-Edwards
Portland Public School Board, Policy Committee Chair

Recommended for a 1st Reading by:
Portland Public Schools Board of Education
Policy Committee

Draft Policy Web Site: <http://www.pps.net/draftpolicies>

Contact: Rosanne Powell, Senior Board Manager
Address: P.O. Box 3107, Portland, OR 97208-3107
Telephone: 503-916-3741
E-mail: schoolboard@pps.net

Draft Policy Comment Form: <https://forms.gle/VqYbmVA36qqADj6n6>

Included in Packet	Page
Staff Report	03
Draft Revised Policy	05
Redlined Policy with Proposed Changes	06
Original Policy	08



PORTLAND PUBLIC SCHOOLS

OFFICE OF General Counsel

501 North Dixon Street
Portland, OR 97227
Telephone: (503) 916-3274

Date: May 3, 2022

To: School Board

From: Mary Kane, Senior Legal Counsel
Molly Romay, Senior Director of Security Services

cc: Guadalupe Guerrero, Superintendent
Liz Large, Contracted General Counsel

Subject: Staff Analysis Report to the Board

Policy # and Name: Weapons, Explosives and Fire Bombs 3.40.014-P

BACKGROUND

In its 2021 legislative session, Oregon lawmakers passed SB 553, which expanded the list of locations where concealed handguns are prohibited to include schools. As a result of this statutory change, the District reviewed its current policy to determine whether it aligned with the new legislation. During the review, staff recognized that the policy was in need of updating broadly, in addition to the legislative changes, and so recommended addition changes to the policy, including its title, to make the language and structure clearer and more approachable.

The Board Policy Committee first reviewed the proposed updates in February, 2022, offering comment and proposed edits. The Committee met again on March 9, 2022, and March 30, 2022, before finalizing the proposed changes for full Board review at its April 20, 2022 meeting.

RELATED POLICIES/BEST PRACTICES

It is best practice to review policies regularly to determine whether they reflect current laws and practices.

ANALYSIS OF SITUATION

It is the staff's belief that drafting a more relevant, user-friendly policy will allow for greater compliance with the state law and safety for our students.

FISCAL IMPACT

These changes are not expected to have a material financial impact.

COMMUNITY ENGAGEMENT

Because the substantive changes made to the policies were driven by legal compliance, no additional community engagement beyond the public meetings and public comment period was undertaken.

TIMELINE FOR IMPLEMENTATION/EVALUATION and COMMUNICATION PLAN

After passage of the updated Policy, staff will send out a District-wide communication as well as to our union partners. Posters advising visitors of this policy will be posted at all District buildings.

STAFF RECOMMENDATION

Staff recommends that the Board accept the revision recommendations put forward in this report and as approved by the Policy Committee.

As a member of the PPS Executive Leadership Team, I have reviewed this staff report.

_____ (Initials)

ATTACHMENTS

- A. Clean Draft Weapons, Explosives and Fire Bombs Policy 3.40.014-P
- B. Redline Weapons, Explosives and Fire Bombs Policy 3.40.014-P



Weapons Prohibited

No person on PPS school grounds or in buildings may possess any weapon, including a firearm, unless:

1. Firearms are under the control of law enforcement personnel.
2. The Superintendent has provided written authorization for persons, whose district-related work requires it and while they are on-duty and in uniform, to possess firearms when otherwise in compliance with law and District policy.

A weapon is any instrument, article, or substance which is designed to be or readily capable of causing death or serious physical injury.

Persons with concealed carry firearm licenses are not allowed to bring firearms on PPS school grounds or in PPS buildings.

Any person violating or threatening to violate this policy, as determined by the District, may be issued a trespass citation, ejected from the premises, and/or referred to law enforcement.

The District will post clearly visible signs at all normal points of entry to the school buildings stating that firearms are prohibited under this policy and that the affirmative defense described in ORS 166.370(3)(g) does not apply.

Any District employee who reasonably believes that a person is in possession of a weapon, including a firearm, within a school or has possessed one within a school in violation of Oregon law in the previous 120 days must report such information to an administrator or law enforcement.

Legal Reference(s): ORS 161.015, 166.210, 339.315, 166.370, 339.315 Senate Bill 554 (ORS 166.262, 166.291, 166.360 and 166.370)

OSBA: KGBB

History: Adpt 2/14/91; Amd 9/9/02; BA 2419; Amd __/22.

~~April March 184, 2022 draft~~

~~3.40.014-P Weapons, Explosives And Fire Bombs~~

- ~~(1) No person except a Peace Officer shall have or enable another to have a weapon [or replica of a weapon] on district property. "Weapon" for purposes of this policy, and as defined by state and federal law, includes:
 - ~~(a) "Dangerous weapon"— any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;~~
 - ~~(b) "Deadly weapon"— any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;~~
 - ~~(c) "Firearm"— any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon, any firearm muffler or silencer or any other destructive device as defined by federal law.~~
 - ~~(d) "Destructive device"— any device with an explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device, which is designed primarily or redesigned primarily for use as a signaling, pyrotechnic, line throwing, safety or similar device.~~~~
- ~~(2) No person except a Peace Officer shall have or enable another to have an explosive or fire bomb on district property. "Explosive" includes a device, which by heat, impact, friction or detonation will explode with such force as to injure a person or damage property. "Fire bomb" means a breakable vessel containing a substance with a flash point below 151 degrees Fahrenheit that includes a device for its intentional ignition.~~
- ~~(3) No student shall bring, possess, conceal or use a weapon on or at activities under the jurisdiction of the district or interscholastic activities administered by a voluntary organization approved by the State Board of Education.~~
- ~~(4) The superintendent or designee may, as provided by law, authorize other persons to possess weapons for courses, programs and activities approved by the district and conducted on district property.~~

~~3.40.014-P Weapons, Explosives And Fire Bombs~~

~~Legal References: ORS 161.015; OAR 581-021-0050 to 0075; ORS 166.210-166.370; OAR 581-053-0010 (5); ORS 332.107; OAR 581-053-0015 (7)(k); ORS 339.115; OAR 581-053-0545 (4)(e),(w); ORS 339.240; OAR 581-053-0550 (5)(y); ORS 339.250; ORS 339.260; ORS 809.060; ORS 809.260~~

Weapons Prohibited

No person on PPS school grounds or in buildings may possess any weapon, including a firearm, unless:

1. Firearms are under the control of law enforcement personnel.
2. The Superintendent has provided written authorization for persons, whose district-related work requires it and while they are on-duty and in uniform, to possess firearms when otherwise in compliance with law and District policy..

A weapon is any instrument, article, or substance which is designed to be or readily capable of causing death or serious physical injury.

Persons with concealed carry firearm licenses are not allowed to bring firearms on PPS school grounds or in PPS buildings.

Any person violating or threatening to violate this policy, as determined by the District, may be issued a trespass citation, ejected from the premises, and/or referred to law enforcement.

The District will post clearly visible signs at all normal points of entry to the school buildings stating that firearms are prohibited under this policy and that the affirmative defense described in ORS 166.370(3)(g) does not apply.

Any District employee who reasonably believes that a person is in possession of a weapon, including a firearm, within a school or has possessed one within a school in violation of Oregon law in the previous 120 days must report such information to an administrator or law enforcement.

Legal Reference(s): ORS 161.015, 166.210, 339.315, 166.370, 339.315 Senate Bill 554 (ORS 166.262, 166.291, 166.360 and 166.370)

OSBA: KGBB

History: Adpt 2/14/91; Amd 9/9/02; BA 2419; Amd ___/22.

3.40.014-P Weapons, Explosives And Fire Bombs

- (1) No person except a Peace Officer shall have or enable another to have a weapon [or replica of a weapon] on district property. "Weapon" for purposes of this policy, and as defined by state and federal law, includes:
 - (a) "Dangerous weapon" - any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used or threatened to be used is readily capable of causing death or serious physical injury;
 - (b) "Deadly weapon" - any instrument, article or substance specifically designed for and presently capable of causing death or serious physical injury;
 - (c) "Firearm" - any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive, frame or receiver of any such weapon, any firearm muffler or silencer or any other destructive device as defined by federal law.
 - (d) "Destructive device" - any device with an explosive, incendiary or poison gas component or any combination of parts either designed or intended for use in converting any device into any destructive device or from which a destructive device may be readily assembled. A destructive device does not include any device, which is designed primarily or redesigned primarily for use as a signaling, pyrotechnic, line throwing, safety or similar device.
- (2) No person except a Peace Officer shall have or enable another to have an explosive or fire bomb on district property. "Explosive" includes a device, which by heat, impact, friction or detonation will explode with such force as to injure a person or damage property. "Fire bomb" means a breakable vessel containing a substance with a flash point below 151 degrees Fahrenheit that includes a device for its intentional ignition.
- (3) No student shall bring, possess, conceal or use a weapon on or at activities under the jurisdiction of the district or interscholastic activities administered by a voluntary organization approved by the State Board of Education.
- (4) The superintendent or designee may, as provided by law, authorize other persons to possess weapons for courses, programs and activities approved by the district and conducted on district property.

3.40.014-P Weapons, Explosives And Fire Bombs

Legal References: ORS 161.015; OAR 581-021-0050 to -0075; ORS 166.210 - 166.370; OAR 581-053-0010 (5); ORS 332.107; OAR 581-053-0015 (7)(k); ORS 339.115; OAR 581-053-0545 (4)(c),(w); ORS 339.240; OAR 581-053-0550 (5)(y); ORS 339.250; ORS 339.260; ORS 809.060; ORS 809.260

History: Adpt 2/14/91; Amd 9/9/02; BA 2419

