



SB 707 AND FIREARMS ON CAMPUSES

BACKGROUND

Gun-Free School Zone Act of 1995:

- Prohibits, generally, a person from possessing a firearm on district property unless there is written permission from certain district officials.
- Defines “gun-free zone” as an area on the grounds of a school providing instruction in kindergarten or grades 1 to 12, inclusive, or within a distance of 1,000 feet of that school.
- Prohibits a person from bringing or possessing a firearm upon the gun-free zone of a K-12 district or a public or private university or college unless there is written permission from specified officials.
- Prohibits carrying ammunition or reloaded ammunition onto school grounds unless it is with the written permission of the district superintendent, the superintendent’s designee, or equivalent school authority.
- Classifies a violation of these provisions as a felony, or, under specified circumstances, a misdemeanor.
- Exempts certain persons from these prohibitions, including, among others, a person holding a valid license to carry a concealed firearm and a retired peace officer authorized to carry a concealed or loaded firearm.

MODIFICATIONS

Senate Bill 707:

- Modifies the existing law by allowing a person holding a valid license to carry a concealed firearm to carry a firearm in an area that is within 1,000 feet of, **but not on the grounds of**, a public or private school providing instruction in kindergarten or grades 1 to 12, inclusive, or on a university or college campus.

- Exempts from those prohibitions certain appointed peace officers who are authorized to carry a firearm by their appointing agency, and certain retired reserve peace officers who are authorized to carry a concealed or loaded firearm.
- Deletes the exemption that allows a person to carry ammunition or reloaded ammunition onto school grounds if the person is licensed to carry a concealed firearm.
- Creates an additional exception authorizing a person to carry ammunition or reloaded ammunition onto school grounds if it is in a motor vehicle at all times and is within a locked container or within the locked trunk of the vehicle.

After appropriate public input and discussion, buttressed with its legal counsel's opinion, districts should establish a Board Policy related to firearms on campuses.

Attachments A and B provide samples of two options.

Attachment C is a sample administrative regulation in support of **Attachment B**.

If you need additional help, please contact ASCIP's Risk Services staff at (562) 404-8029 to discuss your risk management or loss control needs!

Links:

SB 707 See

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB707

Attachments

Attachment A: Sample Board Policy (BP 3515.7) Opting Not to Grant Permission to Unauthorized Persons to Possess Firearms on School Grounds

Attachment B: Sample Board Policy (BP 3515.7) Opting to Establish a Policy to Grant Permission to Certain Unauthorized Persons to Possess Firearms on School Grounds

Attachment C: Sample Administrative Regulation (AR 3515.7) Establishing Policy in Support of Attachment B Board Policy (BP 3515.7)

ATTACHMENT A
SAMPLE Board Policy 3515.7- Firearms on School Grounds

Pursuant to Education Code Sections 35160 and 35161, the Board is authorized to make rules for the governance of the district. Any person specified in Penal Code 626.9(l)-(o) and 30310 is authorized to possess a firearm and/or ammunition on school grounds. School grounds include, but are not limited to, district owned or leased school buildings, fields, storage areas, and parking lots. The Superintendent or designee shall not grant permission to any other individual to carry a firearm or ammunition on school grounds.

Legal References:

Education Code sections 35160, 35161

Penal Code sections 626.9, 26510, 26515; 30310.

United States Code title 18, sections 921,922, 923, 924.

Policy: _____ DISTRICT

Adopted:

ATTACHMENT B

SAMPLE Board Policy 3515.7- Firearms on School Grounds

Pursuant to Education Code Sections 35160 and 35161, the Board is authorized to make rules for the governance of the district. Any person specified in Penal Code 626.9(l)-(o) and 30310 is authorized to possess a firearm and/or ammunition on school grounds. School grounds include, but are not limited to, district owned or leased school buildings, fields, storage areas, and parking lots.

The district is committed to providing a safe environment for students and staff members. In furtherance of this goal, the Superintendent or designee shall consult with local law enforcement, insurance carriers, and other appropriate individuals and agencies to address the security of school campuses. In addition, the Board directs that the superintendent or designee may grant district employees written permission to possess firearms and ammunition on school grounds pursuant to this Board Policy and the guidelines set forth in Administrative Regulation (AR) 3515.7.

The district recognizes that, in compliance with state and federal law and district rules, policies, and regulations, if the superintendent grants written permission for an individual to possess a firearm and ammunition on school grounds, the superintendent does so within the scope of his or her employment.

The superintendent or designee shall only grant permission to a District employee **[/person]** who holds a valid Carry Concealed Weapon (CCW) license issued in California who is at least 21 years of age, and who meets the criteria pursuant to the procedures and conditions set forth in Administrative Regulation AR 3515.7 to possess

lawful firearms and/or ammunition on school grounds. **[The superintendent may grant written permission to carry a concealed firearm to a maximum of [five (5)/ten [10] district employees/[persons] at any given time.]**

No district employee is required?? to carry a firearm and/or ammunition while on school grounds.

District policy regarding the possession of firearms and/or ammunition on school grounds **[shall be included in the district's comprehensive safety plan and]** shall be communicated to district staff, parents/guardians, and the community.

- (cf. Administrative Regulation (AR) 3515.7)
- (cf. Board Policy (BP) 3515 - Campus Security)
- (cf. BP 3515.2 - Disruptions)
- (cf. BP 3515.3 - District Police/Security Department)
- (cf. BP 4158/4258/4358 - Employee Security)
- (cf. BP 5131.4 - Student Disturbances)
- (cf. BP 5131.7 - Weapons and Dangerous Instruments)
- (cf. BP 0450 - Comprehensive Safety Plan)
- (cf. BP 1112 - Media Relations)
- (cf. BP 1113 - District and School Web Sites)
- (cf. BP 1114 - District-Sponsored Social Media)

Legal References:

Penal Code sections 626.9, 26510, 26515; 30310.
United States Code title 18, sections 921,922, 923, 924.

Policy: _____ DISTRICT

Adopted:

ATTACHMENT C
SAMPLE Administrative Regulation 3515.7 - Firearms on School
Grounds

Employees interested in carrying a firearm and ammunition while on school grounds may apply in accordance with this Administrative Regulation and related Board Policy. Permission to carry firearms and ammunition on district grounds and fields is a privilege, not a right.

The superintendent may exercise his or her discretion to grant annually written permission to a district employee to possess a firearm and ammunition on school grounds and fields (i.e., all real property, facilities, buildings, fields, and parking lots belonging to the district) who meets all of the following criteria:

1. The employee must be a lawful holder of a valid and current Carry Concealed Weapons (CCW) license issued by any California sheriff or, if the licensee is a resident of an incorporated city, his or her city police department;
2. The CCW must have no restrictions imposed by the issuing authority relative to possession of a firearm on school grounds or public property;
3. The employee must be at least 21 years of age;
4. The employee must agree to keep any loaded firearm on district grounds or fields in a secure locked container or the firearm must be locked rendering it inoperable (Pen. Code Sections 25100 and 25200);
5. The employee must either (1) present evidence of a current a Handgun Safety Certificate (HSC) plus successfully complete a safety demonstration with his or her handgun or (2) qualify for an HSC exemption;

6. [The employee must have completed a training designated by the superintendent;]
7. [The employee must have completed any training program required by the districts workers' compensation, liability, or other insurance carrier, as those training requirements may change from time to time;]
8. The employee must have submitted a completed and signed Firearms Possession Application and Firearms Use Agreement. The application is **Exhibit A** to this AR; the Agreement is **Exhibit B**.

Additional factors that the superintendent may consider include, but are not limited to, the following:

1. Employee's discipline record;
2. Employee's performance evaluations;
3. Superintendent's perception about whether or not the employee is potentially a danger to himself, herself, or others;
4. Employee's conduct on and off school grounds; and
5. Employee's experience with firearms.

Such permission shall be conditioned upon peaceful and lawful activity by the possessor at all times, as well as compliance with all terms included in the **Firearms Use Agreement**.

The superintendent may grant or deny permission in his or her sole discretion for any reason, and the superintendent's decision is final. A grant of permission shall be valid for one year from the effective date of the Firearms Use Agreement, unless earlier revoked by the superintendent. The superintendent may revoke permission at any time in his or

her sole discretion. **[No more than [five (5)/ten (10)] employees shall have permission at any one time.]**

The superintendent may revoke permission to possess firearms and ammunition on school grounds at any time by verbal or written notice to the individual granted permission. Any verbal notice will be followed by written notice to the individual within 24 hours. Notice of revocation may also be given to all individuals with permission by posting a written notice of revocation at the district office. In addition, when any person granted permission to possess a firearm on campus is directed to leave school grounds for reasons of disruption or other violation of law or district policy, this permission is automatically revoked.

Any cost of meeting criteria for permission to carry firearms and ammunition on school grounds must be borne solely by the employee requesting such permission.

(cf. [BP 3515.7].)

Legal Reference:

Penal Code sections 626.9, 26510, 26515, 30310.

United States Code title 18, sections 921, 922, 923, 924.

EDUCATION CODE

32281 Comprehensive safety plan

35160 Powers and duties of the board

35161 Powers and duties of the board; authority to delegate

38001.5 District security officers; requirements if carry firearm

PENAL CODE

626.9 Gun Free School Zone Act

830.32 District police department; district decision to authorize carrying of firearm

16150 Definition of ammunition

16520 Definition of firearm

26150-26225 Concealed weapons permit
30310 Prohibition against ammunition on school grounds

UNITED STATES CODE, TITLE 18

921 Definitions, firearms and ammunition

922 Firearms, unlawful acts

923 Firearm licensing

UNITED STATES CODE, TITLE 20

7151 Gun-Free Schools Act; student expulsions for possession of firearm

Management Resources:

WEB SITES

Office of the Attorney General: <https://oag.ca.gov/firearms>

Regulation _____ DISTRICT

Adopted:

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Exhibit A / AR 3515.7
SAMPLE Firearms on School Grounds

[REPRODUCE ON DISTRICT LETTERHEAD]
APPLICATION FOR CONCEALED CARRY OF FIREARM
AND AMMUNITION ON SCHOOL GROUNDS

Please fill out all three sections of this application completely and attach all documents listed under section 2. Incomplete applications will not be processed. Return a copy of your completed application to the Office of the Superintendent'

SECTION 1: Identifying Information

NAME:

PHONE:

JOB TITLE:

SSN:

DOB:

CA DRIVER'S LICENSE NUMBER:

HOME ADDRESS:

SITE WHEREIN PERMISSION IS SOUGHT:

SECTION 2: Attachments – Please attach the following items to this application form.

1. Copy of a valid California photograph identification.
2. Copy of Concealed Carry Weapons Permit issued by any California sheriff.
Expiration date: _____
3. Copy of registration of any firearm you will be bringing on school grounds.
4. Copy of certificate(s) of completion of District mandated training course(s).
5. Signed District Firearms Possession Agreement.

SECTION 3: Acknowledgment.

I understand that by submitting this application I am certifying under penalty of perjury under the laws of the State of California that the information provided is accurate and all documents attached are true and correct copies of the original.

Further, I understand that the Superintendent or designee, in his or her sole discretion, may grant or deny my request to carry firearms and/or ammunition on school grounds for any reason or no reason at all.

Signature

Date

Print Name

Regulation: _____ DISTRICT

Adopted:

Exhibit B / AR 4525.7
SAMPLE Firearms on School Grounds

_____ DISTRICT
FIREARMS AND AMMUNITION POSSESSION AGREEMENT

The below information is provided to notify employees regarding the acceptable ways in which firearms may be used and carried on school grounds or fields of the _____ District (“District”). The District permits, consistent with applicable law and district policy, the use of firearms by responsible employees to protect the district students and staff. The purpose of this Firearms and Ammunition Possession Agreement (“Agreement”) is to provide for the safe and appropriate possession of firearms on school grounds (as defined below). This Agreement is effective on _____. The district employee signing this Agreement agrees to its terms and conditions as stated herein:

I. Definitions

- A. “Firearm” means a device, designed to be used as a weapon, from which is expelled through a barrel, a projectile by the force of an explosion or other form of combustion.
- B. “Ammunition” means, but is not limited to, any bullet, cartridge, magazine, clip, speed loader, autoloader, or projectile capable of being fired from a firearm with a deadly consequence. "Ammunition" does include blanks.
- C. “School grounds” means all real property belonging to the District, including but not necessarily limited to, facilities, buildings, fields, storage areas, and parking lots.
- D. “Carry Concealed Weapon (CCW)” means a valid, current license to carry a concealed firearm issued by a California sheriff or chief of police containing no restriction on the

concealed carry of a firearm on school grounds where the written approval of the superintendent has been obtained.

II. District Rights

It is the policy of the district to maintain an environment that promotes safety and responsible conduct by all employees. It shall be a violation of this Agreement for any employee to engage in any activity that does not conform to the established purpose and general rules and policies of the district with respect to the carrying of a firearm on school grounds.

Employees granted permission to carry a firearm and/or ammunition have no expectation of privacy in the firearm they are carrying, the manner in which it is carried, or their CCW when on school grounds. Any employee given permission to carry a firearm on school grounds must allow inspection of the firearm, the means by which it is being carried, and their CCW upon request of the superintendent or designee or a sworn law enforcement officer.

The district reserves the right to revoke permission to carry a firearm or ammunition on school grounds at any time in the sole discretion of the superintendent for any reason. Notice of revocation may be given verbally or in writing in accordance with applicable policy and regulation.

The superintendent or designee shall notify the principal and other appropriate staff of all persons granted permission to carry a firearm and/or ammunition on school grounds.

Permission to carry a firearm and/or ammunition does not necessarily apply to all types of lawful firearms or ammunition. The superintendent or designee may deny permission for any specific type of firearm or ammunition or otherwise change the scope of the permission.

The district reserves the right to change the terms under which an employee is granted permission to carry a firearm or ammunition on school grounds in the Superintendent's sole discretion. The district shall provide notice of any changes in terms in writing.

III. Employee Responsibilities

Permission to carry a firearm and ammunition on school grounds is contingent on the undersigned's completion of (a) training course(s) designated by the superintendent.

Permission to carry a firearm and ammunition on school grounds is contingent on the undersigned's completion of any training program required by the district's workers' compensation, liability or other insurance carrier, as those training requirements may change from time to time

Permission to carry a firearm and ammunition on school grounds is contingent on the undersigned's possession of a CCW.

The employee agrees to keep any loaded firearm on district grounds or fields in a secure locked container or the firearm must be locked rendering it inoperable (Pen. Code Sections 25100 and 25200);

The undersigned is responsible for knowing and following all district policies, rules, and regulations regarding the use and possession of firearms and ammunition.

The undersigned is responsible for knowing and following all federal and California laws and regulations regarding the use and possession of firearms and ammunition.

IV. Restriction on Firearms Possession by District Employees

All firearms and ammunition must be possessed so that they are fully concealed and locked with a trigger locking device while upon the person at all times and tightly secured to the person's body. All firearms must be carried in a holster worn inside the pants, around the chest/upper body, on the front hip, or in a holster worn at the ankle underneath pants or behind the back.

After receiving written permission, an employee may possess no more than one (1) firearm on school grounds at a time.

All firearms possessed on school grounds must be equipped with a safety that is on at all times, and be carried with no bullet in the chamber, except when the employee is acting in lawful self-defense or defense of others. A firearm may only be discharged or brandished in self-defense or defense of others, and in compliance with California and federal law, as those laws may change from time to time.

It is prohibited to clean, disassemble or demonstrate any part of the firearms to any other person while on school grounds, unless the firearm is discharged in self-defense or defense of others.

V. Acknowledgement of Receipt & Agreement

I acknowledge that I have received, read and understood the Acceptable Firearms and Ammunition Use Agreement. I understand that any violations of the Acceptable Firearms and Ammunition Agreement may be grounds for disciplinary action, up to and including termination. I understand that a copy of the signed Acceptable Firearms and Ammunition Use Agreement will be placed in my personnel file. I understand that, if granted permission to carry a firearm and ammunition on school grounds, such permission shall automatically terminate one year from the date of this Agreement. My signature below indicates my knowing and voluntary acceptance of all the terms of this Agreement.

Signature

Date

Print Name

VI. Superintendent’s Written Permission to Carry Firearm

Pursuant to my discretion under the Penal Code Section 626.9 and 30310 and as authorized by the district’s Governing board, I grant written permission to the following individual,

whose name appears on the signature line under **Section V – Acknowledgement of Receipt**

& Agreement, to carry a firearm on the school grounds of _____

_____ District.

This grant of permission is conditioned on compliance at all times with all applicable laws, policies, regulations, and the terms of this Agreement. The district reserves the right to revoke this permission at any time.

Signature

Date

Print Name

Regulation _____ DISTRICT

Adopted: