



TITLE: Possession of Self-Defense Chemical Irritants

NUMBER: BUL-5101.0

ISSUER: James Morris, Chief Operating Officer
Office of the Chief Operating Officer

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MAJOR CHANGES: This revision replaces BUL-N-51 (Rev.) of the same subject issued on December 11, 1998, by the Office of School Operations. The content has been updated to reflect current contact information and organizational structure.

ROUTING
All Offices
All Employees

I. BACKGROUND

Several types of chemical irritant weapons (i.e. tear gas, mace, pepper spray) are legally available to persons 16 years of age and older for self-defense purposes. State Law does not, in and of itself, authorize an employee to carry a chemical irritant weapon at the place of employment. The determination as to when, and under what conditions, an employee or student may possess or carry a chemical irritant weapon resides solely with the District.

Because of the unique setting offered by a public school, and related school offices, it is important that the District develop and implement guidelines for employees and students in relation to the possession of chemical irritant weapons during school activities (i.e. approved school field trips) on school buses or on District sites. The following procedures apply to every employee and student. (Except those working for the School Police Department who are authorized by statute, the Chief of Police and mandated by job duties.)

II. PROCEDURES

A. School Sites and School Buses

When students are expected to be present, personnel performing services on school sites or school buses may not carry any type of chemical irritant weapon if the performance of assigned duties brings the employee into contact with pre-K through adult school students. Any employee seeking an exception shall submit a written request for authorization to the site administrator, indicating the need or rationale for possessing a chemical irritant weapon. The Principal or Principal's designee shall review the request for exception with the appropriate Local District Operations Coordinator. The request, along with an accompanying recommendation from the Principal and Local District Operations Coordinator, shall be forwarded to the Assistant Superintendent of School Operations for approval.



A copy of the written consent must be with the employee, on file at the school site, preferably in the Main Office, and with the Local District Operations Coordinator.

Personnel performing services in adult schools, regional occupational centers and skills centers where pre-K through adult school students are not in attendance, shall submit a written request for authorization to the unit administrator, indicating the need or rationale for possessing a chemical irritant weapon. If in the judgment of the unit administrator the need exists and the unit administrator provides prior written consent, a staff member may possess a chemical irritant weapon while performing services in connection with adult schools, regional occupational centers and skill centers where students are not in attendance. A copy of the written consent must be with the employee, on file at the school site, preferably in the Main Office, and with the Local District Operations Coordinator.

B. Non-School Site Assignments

Personnel performing services at other than school sites shall submit a written request for authorization to the unit administrator, indicating the need or rationale for possessing a chemical irritant weapon. If in the judgment of the unit administrator the need exists and the unit administrator provides prior written consent, a staff member may possess a chemical irritant weapon while performing services in connection with a non-school site assignment. A copy of the written consent must be with the employee, on file at the District site, and with the Unit or Division Head.

C. Travel To and From Job Assignment

Any employee is authorized to carry the weapon to and from his/her job assignment. With respect to school site assignments described in Section II. A above, the weapon must be placed in a locked vehicle or must be placed in a secure, locked location, approved in writing by the school principal, if such secure locations are available to employees, prior to the commencement of the employee's work day.

D. Prohibitions on Possession by Any Student

No pre-K through adult school student, even if that student is 16 years of age or older, may possess a chemical irritant weapon while taking part in any school activity, including extracurricular activities such as athletic events and school dances.



Although the Penal Code authorizes a person 16 years of age or older to possess and carry a tear gas weapon, the District maintains complete authority over the possession of tear gas and other chemical irritant weapons on school sites. School administrators shall advise students of this prohibition and that appropriate administrative action will be taken should any student be found in possession of such a weapon under the prohibited circumstances.

III. GUIDELINES

Any staff member who decides to possess/carry mace, pepper spray or any other type of chemical irritant weapon in accordance with the guidelines set forth above must recognize that the use of the weapon is authorized only in cases when needed for self-defense. An unauthorized use of the weapon may subject the staff member to imprisonment in the state prison, county jail, a fine or both a fine and imprisonment, in addition to disciplinary action which the District may take.

It is imperative that each staff member who possesses/carries these self-defense weapons during the performance of District duties takes appropriate measures to ensure that such weapon is not lost or stolen and does not fall into the hands of any student or other unlicensed/unauthorized individual. Notwithstanding the fact that the employee may have followed the above-listed guidelines, if it appears that an employee was negligent or careless in the possession or handling of any chemical irritant weapon, the District will be compelled to undertake appropriate disciplinary measures.

ASSISTANCE: For assistance or more information, please contact the Office of the Chief Operating Officer-School Operations at (213) 241-5337.