

FREDERICK COUNTY PUBLIC SCHOOLS	Reg. No. 300-39
Subject: WEAPON POSSESSION ON SCHOOL PROPERTY	Issued: 5/18/93
Preparing Office: Office of the Superintendent	Amended: 3/23/17

I. Policy

II. Procedures

It is a serious offense to possess any firearm, knife or deadly weapon of any kind on any public school property in Maryland. Offenders face criminal prosecution from the State's Attorney's Office and severe personnel consequences from the school system. This regulation does not pertain to use of antique weapons for historical demonstrations and classroom presentations as outlined in Frederick County Public Schools (FCPS) Regulation 200-47 or exceptions as noted in Section B below.

A. Criminal Law and Penalties

Maryland criminal law makes it illegal to carry or possess a firearm, knife or deadly weapon of any kind on public school property. §4-102, Criminal Law Article, *Annotated Code of Maryland* states:

(a) Exceptions. -- This section does not apply to:

(1) a law enforcement officer in the regular course of the officer's duty;

(2) an off-duty law enforcement officer or a person who has retired as a law enforcement officer in good standing from a law enforcement agency of the United States, the State, or a local unit in the State who is a parent, guardian, or visitor of a student attending a school located on the public school property, provided that:

(i) the officer or retired officer is displaying the officer's or retired officer's badge or credential;

(ii) the weapon carried or possessed by the officer or retired officer is concealed; and

(iii) the officer or retired officer is authorized to carry a concealed handgun in the State;

(3) a person hired by a county Board of Education specifically for the purpose of guarding public school property;

(4) a person engaged in organized shooting activity for educational purposes; or

(5) a person who, with a written invitation from the school principal, displays or engages in a historical demonstration using a weapon or a replica of a weapon for educational purposes.

(b) Prohibited. -- A person may not carry or possess a firearm, knife, or deadly weapon of any kind on public school property.

(c) Penalty. --

(1) Except as provided in paragraph (2) of this subsection, a person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding \$ 1,000 or both.

(2) A person who is convicted of carrying or possessing a handgun in violation of this section shall be sentenced under Subtitle 2 of this title.

B. Personnel Consequences — Termination

1. With the exception of knives used in the performance of duties, or possession of a pen knife, FCPS employees are prohibited from possessing weapons on school property and disciplinary consequences may be imposed up to and including termination. Employees in violation of this directive may be subject to disciplinary consequences up to and including dismissal.
2. The school system's personnel regulation does not apply to staff who use knives in the performance of their duties. Additionally, other staff are allowed to carry a penknife or pocketknife.

C. Student Consequences

Students violating this regulation shall be disciplined in accordance with FCPS Regulation 400-08 *Discipline*.

D. Exception - Organized Educational Programs

For purposes of this regulation, an FCPS educational program is defined as the Reserve Officer Training Corps (ROTC) or a recognized drill competition that has been approved by the deputy superintendent.

This regulation does not prohibit the use of air-powered rifles and mock weapons approved for and restricted to use in organized ROTC and drill competitions that have been approved by the deputy superintendent.

E. Exception – Mace/Electronic Weapons

Employees, unless prohibited by law, ¹ may possess mace or electronic weapons (e.g. tasers or stun guns) for a personal security measure, provided the employee keeps the item under his/her control and in a secure location while on school premises.

Approved:

Original signed by

Theresa R. Alban
Superintendent

¹ Under Maryland law, §4-109, Criminal Law Article, *Annotated Code of Maryland*: “A person may not possess or use an electronic control device unless the person (1) has attained the age of 18 years; and (2) has never been convicted of a crime of violence of §5-602, §5-603, §5-604, §5-605, §5-606, §5-613, or §5-614 of the Criminal Law Article.”