

EXHIBIT MONTGOMERY COUNTY PUBLIC SCHOOLS

Deadly Weapons on Public School Property (State Law)

§4-102. Deadly weapons on school property.

- (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 who is a parent, guardian, or visitor of a student attending a school located on the public school property, provided that:
 - (i) the officer is displaying the officer’s badge or credential; and
 - (ii) the weapon carried or possessed by the officer is concealed;
 - (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 \$1,000.00, or both.
 - (2) A person who is convicted of carrying or possession of a handgun in violation of this section shall be sentenced under Subtitle 2 of this title.

Source: Annotated Code of Maryland, Criminal Law Article, §4-102.

Exhibit History: January 1983; reviewed June 1989; reviewed June 1993; reviewed July 1996; revised October 2007; revised July 2014.

Bringing or Possessing a Firearm on School Property (State Regulation)

13A.08.01.12-1

A. In this regulation, the following terms have the meanings indicated:

- (1) “Alternative educational setting” means an alternative education program that allows the student to continue the student’s education within the public school system and, if in a secondary school, the opportunity to earn credit.
- (2) “Expulsion” means at a minimum the removal of a student from the student’s regular school program.
- (3) “Firearm” means a weapon as defined in 18 U.S.C.§921.
- (4) “School property” means buildings, land that surrounds the buildings, and vehicles, that are owned or leased by a local school system.
- (5) “Year” means a calendar year of 12 months.

B. General Provisions.

- (1) Except as provided in §B(2) of this regulation, if the local superintendent or designee finds that a student has brought a firearm onto school property or to a school-sponsored activity or has possessed a firearm on school property or at a school-sponsored activity, the student shall be expelled for a minimum of 1 year.
- (2) The local superintendent may specify in writing, on a case-by-case basis, a shorter period of expulsion or an alternative educational setting, if alternative educational settings have been approved by the local board, for a student who has brought a firearm onto school property or to a school-sponsored activity or has possessed a firearm on school property or at a school-sponsored activity.

- (3) Nothing in this regulation applies to a firearm:
 - (a) That is lawfully stored inside a locked vehicle on school property; or
 - (b) For activities approved and authorized by the local school system, if the local school system adopts appropriate safeguards to ensure student safety.
- C. Students with Disabilities. An identified student with disabilities who brings a firearm onto school property or to a school-sponsored activity or who possesses a firearm on school property or at a school-sponsored activity may be suspended or expelled in accordance with the procedures set out in Education Article, §7-305, *Annotated Code of Maryland*, and COMAR 13A.08.03.
- D. Administrative Procedures.
 - (1) Annually by August 1, each local school system shall provide the State Board of Education with a report that includes:
 - (a) Written certification that the local school system is in compliance with the requirements of this regulation;
 - (b) A description of the circumstances surrounding any expulsions imposed under State law as required by §B(1) of this regulation;
 - (c) The number of incidents in which a student brought a firearm onto school property or to a school-sponsored activity or possessed a firearm on school property or at a school-sponsored activity;
 - (d) The name of the school where each incident took place;
 - (e) The type of firearm involved;
 - (f) The disposition of each case, including the number of students:
 - (i) Expelled from each school, and
 - (ii) Placed in alternative educational settings; and
 - (g) A description of alternative educational settings used in compliance with this regulation.

- (2) Each local school system shall report each incident in which a student brings a firearm onto school property or to a school-sponsored activity or possesses a firearm on school property or at a school-sponsored activity to the appropriate juvenile justice or criminal enforcement agency.

- E. Nothing in this regulation precludes a local school system from developing or applying more stringent regulations and procedures.

Source: Code of Maryland Regulations, 13A.08.01.12-1

Exhibit History: October 2007; reviewed July 2014.