

Policy #: 501
Title: SCHOOL WEAPONS PROHIBITION
Date of Initial Approval: 05-03-2007
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Reviewers: MSA Human Resources; MSA Superintendent

I. PURPOSE

The purpose of this policy is to assure a safe school environment for students, staff and the public.

II. GENERAL STATEMENT OF POLICY

No student or nonstudent, including adults and visitors, shall possess, use or distribute a weapon when in a school location except as provided in this policy. The Minnesota State Academies (MSA) will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school employee, volunteer, or member of the public who violates this policy.

III. DEFINITIONS

A. "Weapon"

1. A "weapon" means any object, device or instrument designed as a weapon; or through its use is capable of threatening or producing bodily harm; or which may be used to inflict self-injury including, but not limited to, any firearm, whether loaded or unloaded; air guns; pellet guns; BB guns; all knives; blades; clubs; metal knuckles; numchucks; throwing stars; explosives; fireworks; mace and other propellants; stun guns; ammunition; poisons; chains; arrows; and objects that have been modified to serve as a weapon.
2. No person shall possess, use, or distribute any object, device, or instrument having the appearance of a weapon. Such objects, devices, or instruments shall be treated as weapons including, but not limited to, weapons listed above which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon.
3. No person shall use articles designed for other purposes (i.e., lasers or laser pointers, belts, combs, pencils, files, scissors, etc.), to inflict bodily harm and/or intimidate and such use will be treated as the possession and use of a weapon.

B. "School Location"

School locations include any school building or grounds, whether leased, rented, owned, or controlled by the school; locations of school activities or trips; bus stops; school buses or school vehicles; school-contracted vehicles;

the area of entrance or departure from school premises or events; all locations where school-related functions are conducted; and any locations or activities where students are under the jurisdiction of the Minnesota State Academies.

C. "Possession"

Possession means having a weapon on one's person or in an area subject to one's control in a school location.

IV. EXCEPTIONS

A. If a student, who finds a weapon on the way to school or in a school location; or discovers that they accidentally have a weapon in their possession, takes the weapon immediately to the director's office, they shall not be considered to possess a weapon.

B. If it would be impractical or dangerous to take the weapon to the director's office, a student shall not be considered to possess a weapon if they immediately turn the weapon over to an administrator, teacher, coach, dormitory director, or another staff member; or immediately notifies an administrator, teacher, coach, dormitory director, or another staff member of the weapon's location.

C. It shall not be a violation of this policy if an individual falls within one of the following categories:

1. active licensed peace officers;
2. military personnel, or individuals participating in military training, who are on duty performing official duties;
3. persons authorized to carry a pistol under Minn. Stat. § 624.714 while in a motor vehicle or outside of a motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle;
4. persons who keep or store in a motor vehicle pistols in accordance with Minn. Stat. §§ 624.714 or 624.715 or other firearms in accordance with Minn. Stat. § 97B.045;
 - i. Section 624.714 specifies procedures and standards for obtaining pistol permits and penalties for the failure to do so. Section 624.715 defines an exception to the pistol permit requirements for "antique firearms which are carried or possessed as curiosities or for their historical significance or value."
 - ii. Section 97B.045 generally provides that a firearm may not be transported in a motor vehicle unless it is (1) unloaded and in a gun case without any portion of the firearm exposed; (2) unloaded and in the closed trunk; or (3) a handgun carried in compliance with §§ 624.714 and 624.715.

5. Instructors and participants in firearm safety or marksmanship courses or activities for students or nonstudents conducted on school property;
6. Members of a ceremonial color guard in possession of dangerous weapons, BB guns, or replica firearms;
7. Vendors/demonstrators at a gun or knife show held on school property;
8. Individuals in possession of dangerous weapons, BB guns, or replica firearms with written permission from the superintendent's office; or
9. Persons who are on unimproved property owned or leased by MSA unless the person knows that a student is currently present on the land for a school-related activity.

D. Policy Application to Instructional Equipment/Tools

While the Minnesota State Academies takes a firm "Zero Tolerance" position on the possession, use, or distribution of weapons by students, and a similar position with regard to nonstudents, such a position is not meant to interfere with instruction or the use of appropriate equipment and tools by students or nonstudents. Such equipment and tools, when properly possessed, used and stored, shall not be considered in violation of the rule against the possession, use, or distribution of weapons. However, when authorized instructional and work equipment and tools are used in a potentially dangerous or threatening manner, such possession and use will be treated as the possession and use of a weapon.

E. Firearms in School Parking Lots and Parking Facilities

The Minnesota State Academies may not prohibit the lawful carry or possession of firearms in a school parking lot or parking facility. For purposes of this policy, the "lawful" carry or possession of a firearm in a school parking lot or parking facility is specifically limited to nonstudent permit-holders authorized under Minn. Stat. § 624.714 to carry a pistol in the interior of a vehicle or outside the motor vehicle for the purpose of directly placing a firearm in, or retrieving it from, the trunk or rear area of the vehicle. Any possession or carry of a firearm beyond the immediate vicinity of a permit-holder's vehicle shall constitute a violation of this policy.

V. **CONSEQUENCES OF STUDENT WEAPON POSSESSION, USE, OR DISTRIBUTION**

- A. The Minnesota State Academies takes a firm position of "Zero Tolerance" in regard to the possession, use, or distribution of weapons by students. Consequently, the minimum consequence for students possessing, using, or distributing weapons shall include:
1. immediate out-of-school suspension;
 2. confiscation of the weapon;
 3. immediate notification of police;
 4. parent or guardian notification; and
 5. recommendation to the superintendent of dismissal for a period of time not to exceed one year.

- B. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to school will be expelled for at least one year. The school board may modify this requirement on a case-by-case basis. MSA directors will work with the student's home school district to determine appropriate steps to take in relation to the student's IEP and other FAPE requirements.
- C. Administrative Discretion:
While the school district takes a "Zero Tolerance" position on the possession, use or distribution of weapons by students, the superintendent may use discretion, including review of the student's Individual Education Program (IEP), in determining whether, under the circumstances, a course of action other than the minimum consequences specified above is warranted. If so, other appropriate action may be taken, including consideration of a recommendation for lesser discipline.

VI. CONSEQUENCES FOR WEAPON POSSESSION/USE/DISTRIBUTION BY NONSTUDENTS

A. Employees

1. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, or discharge.
2. Sanctions against employees, including nonrenewal, suspension, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and MSA policies.
3. When an employee violates the weapons policy, law enforcement will be notified, as appropriate.

B. Other nonstudents

1. Any member of the public who violates this policy shall be informed of the policy and asked to leave the school location. Depending on the circumstances, the person may be barred from future entry to the Minnesota State Academies. In addition, if the person is a student in another school district, that school district may be contacted concerning the policy violation.
2. As appropriate, law enforcement will be notified of the policy violation by the member of the public and may be asked to provide an escort to remove the member of the public from the Minnesota State Academies.

Legal References:

- Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)*
Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm)
Minn. Stat. § 121A.05 (Referral to Police)
Minn. Stat. § 609.66 (Dangerous Weapons)
Minn. Stat. § 609.605 (Trespass)

Minn. Stat. § 609.02, Subd. 6 (Definition of Dangerous Weapon)
Minn. Stat. § 97B.045 (Transportation of Firearms)
Minn. Stat. § 624.714 (Carrying of Weapons without Permit; Penalties)
Minn. Stat. § 624.715 (Exemptions; Antiques and Ornaments)
18 U.S.C. § 921 (Definition of Firearm)
In re C.R.M. 611 N.W.2d 802 (Minn. 2000)

Cross References:

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 525 (Violence Prevention)