

Revised: \_\_\_\_\_

## **518 WEAPONS**

### **I. PURPOSE**

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

### **II. GENERAL STATEMENT**

No employees, visitors, or students shall possess, use or distribute a weapon on the LCSC Youth Educational Service (Y.E.S.) campus except as provided in this policy. The agency will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, 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; nunchucks; throwing stars; explosives; fireworks; flammable liquids; 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 and 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. "Possession"** means having a weapon on one's person or in an area subject to one's control.

### **IV. EXCEPTIONS**

- #### **A.** A student who finds a weapon on the way to school or in a school location, or a

student who discovers that he or she accidentally has a weapon in his or her possession, and takes the weapon immediately to the office shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the office, a student shall not be considered to possess a weapon if he or she immediately turns the weapon over to a teacher or immediately notifies a teacher of the weapon's location.

- B. It shall not be a violation of this policy if an employee or visitor (or student where specified) falls within one of the following categories:
1. active licensed peace officers;
  2. military personnel participating in military training who are on duty performing official duties;
  3. possession of replica firearms by a ceremonial color guard;
  4. others expressly authorized by state or federal statutes;

- C. Policy Application to Instructional Equipment/Tools  
This policy 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.

## V. **CONSEQUENCES FOR STUDENT WEAPON/USE/DISTRIBUTION**

- A. 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. possible recommendation to the Executive Director/designee of expulsion or exclusion 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 Board may modify this requirement on a case-by-case basis.
- C. Administrative Discretion  
The Executive Director/designee may use discretion 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.
- D. Weapons Hearing Committee  
For students found to have been in possession of a weapon in violation of this policy, the student shall:
1. be immediately suspended out of school for five (5) days;

2. have determined a date and time for a re-admittance conference.

If the program administrator gives additional days of Out-of-School Suspension beyond the initial five (5) days, he/she shall immediately convene a Weapons Hearing Committee for a determination of whether or not an expulsion is warranted. The committee shall consist of administration, teachers, and when appropriate, law enforcement. It shall have access to all investigative information on the student and the incident. It shall hear from the student and parent/guardian, if reasonably possible, and then make a determination about whether or not to recommend expulsion to the Board and commence the expulsion process.

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

### **A. Employee\_**

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

### **B. Visitors**

1. Any member of the public who violates this policy shall be informed of the policy and asked to leave the Y.E.S. campus.
2. If 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 agency location.

**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 Reference:** MSBA Model Policy 501 (School Weapons Policy)