

Students

School Weapons Policy

I. Purpose

The school district strives to maintain a learning and working environment that is safe for students, staff, and the public. This policy provides a framework for reporting actions that violate this policy, and district actions when it receives such a report.

II. General Statement of Policy

No one will possess, use, or distribute a weapon or a look-alike weapon when on a school location except as provided in this policy. The school district 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

For purposes of this policy, the definitions included in this section apply.

- A. "Weapon" means any object, device, or instrument designed as a weapon, or which 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; airguns; pellet guns; BB guns; all knives; blades; clubs; metal knuckles; nunchucks; 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. 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. "Look-Alike Weapon" means any object, device, or instrument having the appearance of a weapon, and such objects, devices, or instruments will be treated as weapons including, but not limited to, weapons listed in the above definition of "weapon" which are broken or non-functional, look-alike guns; toy guns; and any object that is a facsimile of a real weapon.
- C. "Dangerous Weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or flammable liquid or other device or instrumentality

that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm, or any fire that is used to produce death or great bodily harm. As used in this definition, "flammable liquid" means any liquid having a flashpoint below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit but does not include intoxicating liquor. As used in this subdivision, "combustible liquid" is a liquid having a flash point at or above 100 degrees Fahrenheit.

- D. "Possession" means having a weapon on one's person or in an area subject to one's control in a school location.
- E. "School Location" includes 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, or school-contracted vehicles; entrance or departure areas of school premises or events; all locations where school-related functions are conducted; and anywhere students are under the jurisdiction of the school district.

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 they accidentally have a weapon in their possession and takes the weapon immediately to the office of the principal or department or program supervisor, will not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon there, a student will not be considered to possess a weapon if they immediately turn the weapon over to an administrator, teacher, or head coach, or immediately notify an administrator, teacher, or head coach of the weapon's location.
- B. It will not be a violation of this policy if a non-student (or student where specified) falls within one of the following categories:
 - 1. active licensed peace officers;
 - 2. military personnel, or students or non-students participating in military training, who are on duty performing official duties;
 - 3. persons authorized to carry a pistol under state law 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 pistols or other firearms in a motor vehicle in accordance with state law;
 - 5. firearm safety or marksmanship courses or activities for students or non-students conducted on school property;

6. possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
7. a gun or knife show held on school property;
8. possession of dangerous weapons, BB guns, or replica firearms with written permission of the superintendent, assistant superintendent, principal or the director of a child care center; or
9. persons who are on unimproved property owned or leased by a child care center, school, or school district unless the person knows that a student is currently present on the land for a school-related activity.

C. Policy Application to Instructional Equipment/Tools

While the district takes a firm “Zero Tolerance” position on the possession, use, or distribution of weapons by students, and a similar position with regard to non-students, such a position is not meant to interfere with instruction or the use of appropriate equipment and tools by students or non-students. Such equipment and tools, when properly possessed, used, and stored, will 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.

D. Firearms in School Parking Lots and Parking Facilities

A district 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 non-student permit-holders authorized under state law 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 will constitute a violation of this policy.

V. Consequences for Student Weapon Possession/Use/Distribution

- A. The school district takes a 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 will 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.
- C. The principal will, as soon as practicable, refer to the criminal justice system, as appropriate, a student who brings a firearm to school unlawfully.
- D. Administrative Discretion

While the district takes a “Zero Tolerance” position on the possession, use, or distribution of weapons by students, the superintendent 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.

VI. Consequences for Weapon Possession/Use/Distribution by Non-Students

A. Employees

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

B. Other Non-Students

1. Any member of the public who violates this policy will 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 school locations. In addition, if the person is a student in another district, that district may be contacted concerning the policy violation.

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 school location.

VII. Reports of Dangerous Weapon Incidents in School Zones

- A. The school district will electronically report to the Minnesota Commissioner of Education incidents involving the use or possession of a dangerous weapon in school zones, as required under state law.

Legal References:

18 U.S.C. § 921 (Definitions)

Minn. Stat. § 97B.045 (Transporting Firearms)

Minn. Stat. § 121A.05 (Policy to Refer Firearms Possessor)

Minn. Stat. § 121A.06 (Reports of Dangerous Weapon Incidents in School Zones)

Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)

Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm)

Minn. Stat. § 609.02, subd. 6 (Definitions - Dangerous Weapon)

Minn. Stat. § 609.605 (Trespass)

Minn. Stat. § 609.66 (Dangerous Weapons)

Minn. Stat. § 624.714 (Carrying of Weapons without Permit; Penalties)

Minn. Stat. § 624.715 (Exemptions; Antiques and Ornaments)

In re C.R.M. 611 N.W.2d 802 (Minn. 2000)

Cross References:

Policy 403 (Discipline of School District Employees)

Policy 506 (Student Conduct and Discipline)

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INDEPENDENT SCHOOL DISTRICT NO. 273

Edina, Minnesota