

# MINNETONKA PUBLIC SCHOOLS

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## Policy #501: SCHOOL WEAPONS POLICY

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### I. PURPOSE

It is the policy of Minnetonka Public Schools ("School District") to maintain a positive, safe learning and working environment.

### II. GENERAL STATEMENT OF POLICY

No student, adult or visitor, shall possess, use or distribute a weapon when in a school location or property utilized by the District. 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. DEFINITION

#### 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; airguns; pellet guns; BB guns; all knives; blades; clubs; metal knuckles; numchucks; throwing stars; explosives; fireworks; mace and other propellants; stunguns; 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. All weapons or instruments which have the appearance of a weapon are prohibited within all school environments and the school zone, except for educational purposes as authorized in advance by the building principal. This prohibition applies to all school owned buildings and grounds, leased or owned, and within all school owned, leased, or contracted vehicles. School zone is defined within

United States Code Chapter 44- Firearms, as amended in 1990 by an act entitled "Gun Free School Zones Act," Section 921, 922, and 924:

***"It shall be unlawful for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone."***

***"The term 'school zone' means: (a) in, or on the grounds of, a public, parochial or private school; or (b) within a distance of 1,000 feet from the grounds of a public, parochial or private school."***

Moreover, this prohibition applies to school sponsored activities such as field trips, wherever they occur.

- C. "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. 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 principal's office shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the principal's office, a student shall not be considered to possess a weapon if he or she immediately turns the weapon over to an administrator, teacher or head coach or immediately notifies an administrator, teacher or head coach of the weapon's location.
- B. It shall not be a violation of this policy if a non-student falls within one of the following categories:
1. Licensed peace officers, military personnel, or students or non-students participating in military training, who are on duty performing official duties;
  2. Persons authorized to carry a pistol under Minn. Stat., Section 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;
  3. Persons who keep or store in a motor vehicle pistols in accordance with Minn. Stat., Sections 624.714 or 624.715, or other firearms in accordance with Section 97B.045;
    - a. 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."
    - b. 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 Sections 624.714 and 624.715.

4. Firearm safety or marksmanship courses or activities for students or non-students conducted on school property;
5. Possession of dangerous weapons, BB guns, or loaded replica firearms by a ceremonial color guard;
6. Those allowed to display loaded firearms (veterans).
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 principal or other person having general control and supervision of the school 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 School 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, 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.

#### D. Firearms in School Parking Lots and Parking Facilities

A School 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 Minn. Stat., Section 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 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 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.

- 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 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. Expulsion means, at a minimum, removal from the regular school's program at the location where the violation occurred. Expelled students may be assigned to "alternative educational programs" outside the regular school attended when the infraction took place such as those provided through the District #287 cooperative which may be in another school site or a stand alone site.

- E. Disciplinary measures for violation of this policy--other than firearms (see provision 4.3)-- may include suspension from school for up to five days by the principal, up to ten additional days by the Superintendent, or designee, and possible expulsion/exclusion from school by the School Board.

- F. If the student is a special education student or asserts during a hearing that he/she may be a special education student, the Superintendent or School Board, must follow the procedures set forth in State Special Education Statutes.

## **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 shall 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 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 school locations. In addition, if the person is a student in another school district, that School 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.** The Superintendent, or designee, is responsible for the communication of this weapons policy to employees, students, parents, and others who use school buildings, grounds, and vehicles.

***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)

***Cross References:*** Policy #506: Student Discipline and Code of Conduct  
Policy #542: Civility of Students  
Policy #543: Unsafe Behavior of Students  
Policy #427: Harassment and Violence

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