

501 SCHOOL WEAPONS POLICY

Adopted: December 10, 2009

I. PURPOSE

- A. The purpose of this policy is to assure a school instructional environment free of fear and intimidation due to the presence or threat of dangerous or non-lethal weapons or the intimidating presence, threat or use of potential weapons.

II. GENERAL STATEMENT OF POLICY

- A. No person shall create an environment of fear or intimidation through the possession, use, or distribution of dangerous or non-lethal weapons at the school or the intimidating misuse of potential weapons. The school administration will act to enforce this policy and to take appropriate action pursuant to and in accordance with applicable statutory authority concerning any person who violates this policy. A threat to bring to school and/or use a weapon on school grounds may be treated as severely as actual possession and/or use of a weapon, depending on the circumstances.

III. DEFINITIONS

- A. “Dangerous Weapon”
 - 1. A “dangerous weapon” is any object designed, made, or adapted for the purposes of inflicting death or serious physical injury. Such devices include, but are not limited to: firearms (and their ammunition), loaded or unloaded; any knife longer than 3 inches; switchblade knives; gravity knives; ballistic knives, stiletto knives; daggers; swords; ice picks; billy clubs; bludgeons; blackjacks; brass knuckles; nunchaku (fighting sticks); shuriken (throwing stars); and devices or objects not normally considered to be “dangerous weapons” that have been modified to function as “dangerous weapons.”
 - 2. A “dangerous weapon” also includes destructive devices such as: explosives; incendiary or poison gas bombs; grenades; landmines; rockets; missiles; and propellants. This includes the unassembled components from which such devices can be made.
 - 3. A device or object is also considered a “dangerous weapon” by this policy if it is specifically designed to simulate a “dangerous weapon.” Such devices include but are not limited to, any “dangerous weapon” listed above which is broken or non-functional, look-alike guns/knives; toy guns/knives; air guns; pellet guns; BB guns; electroshock guns (Tasers); paintball guns; pepper ball guns; dart guns; lasers and laser pointers;

realistic replicas of destructive devices, including pipe bombs; and any device that that cannot be easily and quickly distinguished from a real operational “dangerous weapon.”

B. “Non-lethal Weapon”

1. A “non-lethal weapon” is any object designed, made, or adapted for the purposes of causing pain and injury. Such devices include but are not limited to: air guns; pellet guns; BB guns; electroshock guns (Tasers); paintball guns; pepper ball guns; slings and sling shots; night sticks; pepper spray (mace); tear gas; and devices or an object not normally considered to be a “non-lethal weapon” that has been modified to function as a “non-lethal weapon.”
2. A “non-lethal weapon” also includes any “potential weapon” (defined below); “sharp” (defined below); “hazardous substance” (defined below); (that are not already defined as a “dangerous weapon”) that is used carelessly or purposely in such a way that may cause bodily harm, or in a way that is intimidating.

C. “Potential Weapons”

A “potential weapon” is any object that is not designed, made or adapted to be a “dangerous weapon” or a “non-lethal weapon” but its intended use easily lends it to that unintended purpose. These include “sharps” (defined below) and “hazardous substances” (defined below), but also include but not limited to: sporting goods, such as baseball bats, bows and arrows, cricket bats, hockey sticks, lacrosse sticks, pool cues, ski poles, spear guns and so on; music equipment, such as, drum sticks, bows, mallets, and so on; and any tools or other ridged items (pipes or sticks, for example), or chains greater than seven inches in length.

1. “Sharps”

a) A “sharp” is any item with an edge or point that is very acute and able to cut or puncture things. Such devices include, but are not limited to: knives (including pocket knives, and pen knives), dining knives and forks, razor blades, box cutters, utility knives, sewing needles, hypodermic needles, blood glucose monitors, straight pins, safety pins, hat pins, push pins, tacks, scissors, wire cutters, bolt cutters, paper cutters, scissors (rounded or pointed tips), letter openers, broaches, pin-on buttons, knitting needles, metal files, metal nail files, nail clippers, axes, hatchets, picks, shovels, scythes, sickles, hammers, saws, nails, screws, drill bits, cutting/shaping bits, awls, chisels, staples, and so on.

b) A “sharp” also includes any device specifically designed to simulate a sharp. Such devices include but are not limited to, any sharp listed above which is broken or non-functional, look-alike knives/swords; toy knives/swords; toy hypodermic needles, toy arrows, and any device that that cannot be easily and quickly distinguished from a real operational

sharp.

2. “Hazardous Substance”

a) A “hazardous substance” is any material (including biological materials) that are capable of causing harm. This includes liquids, dusts, solids, gases, and mixtures of substances. These items are hazardous in that they are radioactive, flammable, explosive, corrosive, oxidizing, asphyxiating, biohazardous, toxic, pathogenic, or allergenic. Also included are compressed gases and liquids, and very hot or very cold materials. All these hazardous substances are subject to regulation, and if properly labeled, would include safety and health hazard warnings such as required by Occupational Safety and Health Administration (OSHA) or the Environmental Protection Administration (EPA). Such substances include, but are not limited to: cleaning products, such as bleach and detergent; drain cleaners; fuels; paints/varnishes; paint thinners; solvents; laboratory chemicals; fertilizers; pesticides; matches, butane lighters (Bic, Zippo); propane tanks, compressed natural gas, flares, and so on,

b) A “hazardous substance” is also any substance of unknown origin and/or unknown composition that has the appearance of a “hazardous substance.” These will be treated as a hazardous substance until the true nature of the substance has been determined.

D. “The School”

“The School” refers to the Cannon River STEM School (CRSS) and includes any CRSS school building or grounds, whether leased, rented, owned or controlled by CRSS; locations of CRSS activities or trips, including bus stops, school buses or school vehicles used for such activities; the area of entrance or departure from CRSS premises or CRSS events; all locations where CRSS-related functions are conducted; and anywhere students are under the care and jurisdiction of CRSS.

E. “Possession”

“Possession” means having a device, object, or substance on one’s person or in an area subject to one’s control, such as the person’s motorized vehicle (refer to motorized vehicle exception), briefcase, toolbox, backpack, or other storage container, room, or storage facility.

IV. EXEMPTIONS

A. Exemption for found or discovered items: A person who finds a “dangerous weapon,” a “non-lethal weapon,” or a “potential weapon” on the way to “the school” or at “the school,” or a person who discovers that he or she inadvertently has one of these items in his or her possession and takes the item immediately to the Executive Director’s office shall not be considered to be in “possession.” If it would be impractical or dangerous to take the item to the Executive Director’s

office, a person shall not be considered to in “possession” of the item if he or she immediately turns the item over to an administrator, teacher or other school staff person or immediately notifies an administrator, teacher or other staff person of the item’s location.

B. Exemption for medical devices, objects, or substances:

- a. Students, employees, and volunteers: In the case of a student, employee or volunteer that has the documented need to use a medical device, object, or substance at “the school” that is otherwise prohibited by this policy (as a “sharp” or “hazardous substance,” for example); the person (if an adult) or a parent or guardian (if a student) must make arrangements with the Executive Director or school nurse to carefully define a procedure to meet this need that not only assures the medical needs of the person in question but also safeguards others from potential misuse. The parents or guardian, student and employee following these procedures are not considered in violation of this policy.
- b. Visitors: School visitors who have the need to use a prescribed medical device, object, or substance at “the school” that would otherwise be a violation of this policy, will be asked to keep the objects in question secured at their person or that they be kept in their secured motor vehicle, and when the medical treatment is needed, (depending on the circumstance) the person will do so discretely or be directed to a location where the procedure can be done in private. The location may include but is not limited to a private office or a lavatory.

C. Exemption for Normal School Activities

This policy is not meant to interfere with use of appropriate equipment, tools, and substances related to normal school activities and functions including but not limited to: instruction; administration; lunch; recess; sports; music; art; science; authorized pre-and after-school activities; and construction, maintenance, cleaning, and repair activities. Devices, objects, or substances used for these purposes, when properly possessed, used and stored, under the supervision of school personnel, volunteers, and contractors authorized for these activities, shall not be considered a violation of this policy. However, when such equipment, tools, and materials are used in a potentially dangerous or threatening manner, such possession shall be considered a violation of this policy.

D. Exemption for motor vehicles

This policy is not meant to interfere with the proper and legal operation and parking of motor vehicles or the legally possessed personal property stored or carried in the motor vehicle while at “the school.” Motor vehicles, by their very nature carry hazardous substances (various fuels, lubricants, solvents, batteries, and so on), and, in fact, motor vehicles have been used as “dangerous weapons.” In addition, the drivers/owners of such vehicles may carry with them items related

to and necessary for their occupation, or for other legitimate reasons, that may otherwise be prohibited by this policy, These persons are not considered in violation of this policy if reasonable care is given for securing the vehicle and its contents.

E. Special exemptions from this policy:

1. active licensed peace officers may bring onto school property officially issued weapons in accordance with their official duties and in accordance with the policies and procedures of their reporting authority.
2. persons authorized to carry a firearm 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;
3. persons who keep or store in a motor vehicle a handgun in accordance with Minn. Stat. §§ 624.714 or 624.715 or other firearms in accordance with § 97B.045;
 - a. Section 624.714 specifies procedures and standards for obtaining handgun permits and penalties for the failure to do so. Section 624.715 defines an exception to the handgun 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 §§ 624.714 and 624.715.
4. If there is a reasonable need, within the legitimate purpose and goals of CRSS, for someone to bring a “dangerous weapon,” a “non-lethal weapon,” or a “potential weapon” to “the school,” where exemption is not otherwise stated, written permission may be granted by the Executive Director. Examples include but are not limited to: displays of historical or archeological artifacts, military or law enforcement demonstrations, drill teams, hobby rockets, and so forth.

V. CONSEQUENCES FOR STUDENT VIOLATION OF THIS POLICY

- A. Minor Violations: The possession, use, or distribution of a “potential weapon,” that is not defined as a “dangerous weapon” or a “non-lethal weapon” and is not used in such a way that may cause or potentially cause bodily harm, or in a way that is intimidating, is considered a minor violation. The teacher, administrator, or other school employee, after confiscation of the offending item, can exercise the

following options, depending on the circumstance:

- 1 instruct the student on the inappropriateness of having the object or substance at school – that such objects or substances should be left at home.
- 2 Report the incident to the student’s teacher (if the reporting person is not the teacher).
- 3 Report the incident to the Executive Director.
- 4 Report the incident to the parent or guardian.
- 5 Upgrade the incident to a Major Violation, if the possession of a “potential weapon” by this particular student is a repeated behavior, if the object or substance is particularly troublesome, or if there is other discomfoting circumstances.

B. Major Violations: The possession, use, or distribution of a “dangerous weapon” or a “non-lethal weapon,” which includes “potential weapons” used in a threatening or intimidating way. After the immediate confiscation of the offending item and the violation is reported to the Executive Director, the Executive Director has the following options, depending on the circumstance.

1. notify the police;
2. notify county social services;
3. notify parent or guardian;
4. process a 1-5 day school suspension (either in-school or out-of-school depending on the circumstances);
5. request a student and/or home evaluation from county social services and/or juvenile court
6. based on the results of a court or social service evaluation, recommend to the Board, continued suspension, or expulsion of the student for up to one year.

B. Pursuant to Minnesota law, a student who brings a firearm, as defined by federal law, to “the school” will be expelled for at least one year. The Board of Directors may modify this requirement on a case-by-case basis.

C. Threats to bring to school and/or use a weapon on school grounds may be treated with equal weight as an actual weapon on campus. The Executive Director may use discretion related to appropriate action, but may employ in addition to actions listed above: in-school suspensions, parent conferences and other measures appropriate to deal with threats.

VI. CONSEQUENCES FOR NON-STUDENT VIOLATION OF THIS POLICY

A. Employees

1. An employee who violates this policy shall be informed of the policy and asked to properly secure the offending item in their personal motor vehicle or, depending on the circumstance to leave “the school” location.
2. 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 Board of Directors, pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and CRSS employment policies.
3. When appropriate, local law enforcement will be notified of the policy violation and may be asked to provide an escort to remove the employee from “the school” location.
4. When appropriate a restraining order will be secured.

B. Other Non-students

1. Any member of the public who violates this policy shall be informed of the policy and asked to properly secure the offending item in their personal motor vehicle or, depending on circumstances, to leave “the school” location. In addition, if the person is a student in another school district, that school district may be contacted concerning the policy violation.
2. When appropriate, local law enforcement will be notified of the policy violation and may be asked to provide an escort to remove the violator from “the school” location.
3. When appropriate a restraining order will be secured.

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: CRSS Board Policy 506 (Student Discipline)
CRSS Board Policy 514 (Bullying Prohibition)