

Adopted: \_\_\_\_2/11/2016\_\_\_\_\_

Revised: \_\_\_\_12/2019, 12/2022

## **NASHA SHKOLA POLICY No. 5.5.9 WEAPONS ON SCHOOL GROUNDS**

### **I. PURPOSE**

The purpose of this policy is to clearly define the term “weapon” and to identify the consequences for having weapons on school grounds.

### **II. POLICY STATEMENT**

Nasha Shkola bans weapons on school grounds. No student or nonstudent, including adults and visitors, may possess a weapon on school grounds except as provided in this policy.

### **III. DEFENITIONS**

“Weapon” means any object capable of threatening or producing bodily harm including, but not limited to, any firearm, whether loaded or unloaded; air-guns; pellet guns; BB guns; knives; blades; explosives; fireworks; mace and other propellants; stun-guns; poisons; chains; arrows; and objects that have been modified to serve as a weapon. “Weapon” also includes look-alike guns, toy guns, and other objects which have the appearance of a weapon. “Weapon” also includes objects designed for other purposes (e.g., pencils, scissors, etc.) which are used to inflict or threaten to inflict bodily harm. The term “school grounds” encompasses all school buildings and grounds, as well as any location where school-related activities occur including, but not limited to, bus stops, school buses and vehicles, and field trip locations when school activities are being held there. To “possess” means to have a weapon on one’s person or in an area subject to one’s control including, but not limited to, immediate vicinity of the person, desks, lockers, or vehicles.

### **IV. PROHIBITION AND CONSEQUENCES**

A. Students. It is a violation of this policy for a student to possess a weapon on school grounds. A student who possesses a weapon on school grounds will be subject to appropriate discipline up to and including expulsion. The student’s parents will be notified of the violation and the weapon will be confiscated. Local law enforcement may be notified, as appropriate.

*This policy does not constitute legal advice; any questions regarding this policy should be directed to your attorney.*

1. Special rules for possession of firearms by students. As required by Minn. Stat. § 121A.05, school officials will, as soon as practicable, refer to the criminal justice or juvenile delinquency system, as appropriate, a student who brings a firearm to school unlawfully. Additionally, as required by Minn. Stat. § 121A.44, the board must expel for a period of at least one year a student who is determined to have brought a firearm to school, except the board may modify this expulsion requirement on a case-by-case basis. The term “firearm” has the meaning given in federal law at 18 U.S.C.A. § 921 and means (A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. The term “destructive device” has the meaning given in federal law at 18 U.S.C.A. § 921 and includes, among other things, a bomb, grenade, or rocket with a propellant charge of more than 4 ounces. The term “firearm” does not include an antique firearm.
- B. Employees. It is a violation of this policy for a school employee to possess a weapon on school grounds. A school employee who possesses a weapon on school grounds will be subject to appropriate discipline up to and including discharge. Local law enforcement may be notified, as appropriate.
- C. Other Persons. It is also a violation of this policy for any other person (i.e., non-student, non-employee) to possess a weapon on school grounds. A person who possesses a weapon on school grounds will be asked to safely leave school grounds with the weapon. Local law enforcement may be called to escort the person from school grounds, as appropriate. The person may be barred from future entry to school locations, as appropriate. In addition, if the person is a student in another school or school district, school administrators may notify that school or school district of the policy violation.

## **V. EXCEPTIONS**

It is not a violation of this policy for the following persons to lawfully possess a weapon on school grounds:

- A. Active licensed peace officers;
- B. Military personnel, or students or nonstudents participating in military training, who are on duty performing official duties;
- C. 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;

*This policy does not constitute legal advice; any questions regarding this policy should be directed to your attorney.*

- D. 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 §97B.045;
- E. Students or non-students participating in firearm safety or marksmanship courses or activities conducted on school property,
- F. A member of a ceremonial color guard when conducting ceremonies while possessing a weapon, BB gun, or replica firearm;
- G. A person engaged in a gun or knife show held on school grounds;
- H. A person having written permission from the Executive Director or designee to possess a weapon, BB gun or replica firearm; or
- I. A person who is on unimproved property owned or leased by the charter school unless the person knows that a student is currently present on the land for a school-related activity.

NOTE: Under Minn. Stat. §609.66, subd. 1d, a school may not prohibit the lawful carrying or possession of firearms in a school parking lot or parking facility. For purposes of this policy, the “lawful” carrying 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.

***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)