

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

No student or nonstudent, including adults and visitors, shall possess, use or distribute a weapon when in a NWSISD program site or NWSISD member school district location, except as provided in this policy. NWSISD will work with its member school districts to enforce this policy and to discipline or take appropriate action against any student. NWSISD will enforce all policies to staff, volunteer, or member of the public.

The School Weapons Policy of a member school district shall supercede this policy when NWSISD holds programs or activities in that member school district's building(s). Member school districts shall be responsible for disciplining their students who violate their or NWSISD's School Weapons Policy when a NWSISD program or activity occurs on the member school district's property.

For the purposes of this policy, NWSISD programs and activities shall be considered programs and activities of its member school districts.

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; airguns; pellet guns; BB guns; all knives; blades; clubs; metal knuckles; numchucks; 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.
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. "Program or Activity Site or School Location" includes any building or grounds, whether leased, rented, owned or controlled by, NWSISD, locations of district activities or trips, bus stops, district buses or vehicles, district-contracted vehicles, the area of entrance or departure from district premises, program/activity sites or events, all locations where district-related functions are conducted, and anywhere students are under the jurisdiction of NWSISD and/or its member the school district.
- C. "Possession" means having a weapon on one's person or in an area subject to one's control in a NWSISD program or activity site.

IV. EXCEPTIONS

- A. A student who finds a weapon on the way to a NWSISD program or activity, or a student who discovers he or she accidentally has a weapon in his or her possession, and takes the weapon immediately to an NWSISD staff member shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the NWSISD staff member, the student shall not be considered to possess a weapon if he or she immediately informs a NWSISD staff member of the weapon's location.

If the NWSISD program or activity is in a NWSISD member school district's building, the student who accidentally has a weapon in his or her possession may take the weapon immediately to the principal's office of that building, or immediately notify an administrator, teacher or head coach of the weapon's location, instead of notifying a NWSISD staff member. In either circumstance the student shall not be considered to possess a weapon.

- B. It shall not be a violation of this policy if a nonstudent falls within one of the following categories:
 - 1. Active licensed peace officers, and/or military personnel, or 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 Minnesota Statutes, Sections 624.714 and 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; or (2) unloaded and in the closed trunk.
3. Possession of dangerous weapons, BB guns, or replica firearms with written permission of the Executive Director in cooperation with its member school district officials.

B. Policy Application to Instructional Equipment/Tools.

While NWSISD takes a firm “Zero Tolerance” position on the possession, use or distribution of weapons by students, and a similar position with regard to nonstudents, such a position 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.

IV. CONSEQUENCES FOR STUDENT WEAPON POSSESSION/USE/DISTRIBUTION

- A. NWSISD and its member school districts take 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 Executive Director and superintendent of the student's home district 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. However, NWSISD cannot supersede its member school districts' weapons policy and the consequences contained therein. The NWSISD school board or the school board of the student's home district may modify this expulsion requirement on a case-by-case basis.

C. Administrative Discretion

While NWSISD and its member school districts takes a "Zero Tolerance" position on the possession, use or distribution of weapons by students, the Executive Director or the superintendent of the violator's home district 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 NONSTUDENTS

A. Staff.

1. A staff member who violates the terms of this policy is subject to disciplinary action, including, but not limited to, nonrenewal, suspension, or discharge as deemed appropriate by the school board.
2. Sanctions against staff, including, but not limited to, nonrenewal, suspension, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and NWSISD policies.
3. When a staff member violates the weapons policy, law enforcement shall be notified, as appropriate.

B. Other Nonstudents.

1. Any member of the public who violates this policy shall be informed of the policy and asked to leave the NWSISD program or activity site. Depending on the circumstances, the person may be barred from future entry to NWSISD program or activity sites. In addition, if the person is a student in a non-member 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 NWSISD program or activity site.

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: NWSISD Policy 403 (Discipline, Suspension and Dismissal of NWSISD Staff)
NWSISD Policy 506 (Student Discipline)
NWSISD Policy 525 (Violence Prevention – Applicable to Students and Staff)
MSBA/MASA Service Manual, Chapter 6, District Education Program
(A-11: Student Suspension, Exclusion and Expulsion)

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