



Adopted: May 15, 1996

EMID 6067 Board Policy 501

Revised: March 17, 2004, May 16, 2007; January 21, 2015; December 16, 2015

501 WEAPONS POLICY

I. PURPOSE

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

II. GENERAL STATEMENT OF POLICY

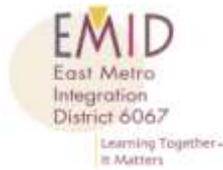
No student or nonstudent, including adults and visitors, shall possess, use or distribute a weapon when in an EMID event location except as provided in this policy. EMID will act to enforce this policy and to discipline or take appropriate action against any student, employee, contract worker, volunteer, or member of the public who violates this policy.

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; air guns; 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. "EMID Event Location" includes any building or grounds, whether leased or



owned by member districts locations of activities or trips, bus stops, school buses or vehicles, district-contracted vehicles, the area of entrance or departure from events, all locations where EMID-related functions are conducted, and anywhere students are under the jurisdiction of EMID.

- C. “Possession” means having a weapon on one’s person or in an area subject to one’s control in an EMID event location.

IV. EXCEPTIONS

- A. A student who finds a weapon on the way to an EMID event or at an EMID event 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 administrator shall not be considered to possess a weapon. If it would be impractical or dangerous to take the weapon to the administrator, a student shall not be considered to possess a weapon if he or she immediately turns the weapon over to an administrator, or program advisor or immediately notifies an administrator program advisor of the weapon’s location.
- B. It shall not be a violation of this policy if a nonstudent (or student where specified) falls within one of the following categories:
1. active licensed peace officers;
 2. military personnel, or students or nonstudents participating in military training, who are on duty performing official duties;
 3. 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;
 4. 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;
 - 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



§§ 624.714 and 624.715.

5. firearm safety or marksmanship courses or activities for students or nonstudents conducted at an EMID event;
6. possession of dangerous weapons, BB guns, or replica firearms by a ceremonial color guard;
7. possession of dangerous weapons, BB guns, or replica firearms with written permission of the administrator or other person having general control and supervision of the event

C. Policy Application to Instructional Equipment/Tools

While EMID 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.

D. Firearms in School Parking Lots and Parking Facilities

EMID 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 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. 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. EMID does not allow the possession, use or distribution of weapons by students. Consequently, the minimum consequence for students possessing, using or distributing weapons shall include:
1. immediate suspension from EMID activities;
 2. notification of home district



3. confiscation of the weapon;
4. immediate notification of police;
5. parent or guardian notification;

C. Administrative Discretion

While EMID does not allow the possession, use or distribution of weapons by students, the Executive Director 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. Employees

1. An employee who violates the terms of this policy is subject to disciplinary action, including nonrenewal, suspension, or discharge as deemed appropriate by the EMID Board.
2. Sanctions against employees, including nonrenewal, suspension, or discharge shall be pursuant to and in accordance with applicable statutory authority, and EMID policies.
3. When an employee violates the weapons policy, law enforcement may 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 EMID event location. Depending on the circumstances, the person may be barred from future entry to EMID events. 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 location.

Legal References:

Minn. Stat. § 97B.045 (Transportation of Firearms)
Minn. Stat. § 121A.05 (Referral to Police)
Minn. Stat. §§ 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm)



Minn. Stat. § 609.66 (Dangerous Weapons)

Minn. Stat. § 609.605 (Trespass)

Minn. Stat. § 609.02, Subd. 6 (Definition of Dangerous Weapon)

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:

EMID Policy 403 (Discipline, Suspension, and Dismissal of District Employees)

EMID Policy 506 (Student Discipline)

EMID Policy 525 (Violence Prevention)