TRIO Wolf Creek Distance Learning Charter School #4095

501 SCHOOL WEAPONS POLICY- DANGEROUS WEAPONS IN THE SCHOOLS

I. PURPOSE

The purpose of this policy shall be:

A. To define unacceptable behavior in terms of weapons and appropriate sanctions for violation of this policy.

B. To ensure the safety of students, staff, and visitors in the TRIO Wolf Creek Distance Learning Charter School.

II. POLICY

Weapons: No student, staff or visitor shall possess, use or distribute a weapon when in a school location; (this means before, during or after school hours) in any charter school location as defined below:

Definitions:

"Possession" means having a weapon on one's person or in an area subject to one's control, in a school location or at a school trip or activity. A firearm may be legally brought on to school property in a motor vehicle if it is unloaded and within a closed gun case or is unloaded and in a closed trunk. A weapon of any kind can be brought onto school property if written permission is given by the director.

"Expulsion" means an action taken by the Charter School Board to prohibit an enrolled pupil from further attendance for a period that shall not extend beyond the school year.

"Exclusion" means an action by the Charter School Board to prevent enrollment or re-enrollment of a pupil for a period that shall extend beyond the current school year.

"Suspension" means an action by the school administration, under rules promulgated by the Charter School Board, prohibiting a pupil from attending school (out-of-school suspension) in accordance with the Pupil Fair-Dismissal Act.

"Charter school location" means in any school building or on any school premises; on any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-approved or school-sponsored activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the charter school.

TRIO Wolf Creek Distance Learning Charter School #4095

III. "WEAPONS" are identified in three categories:

A. CATEGORY I:

Articles commonly used as weapons or designed to inflict bodily harm and/or intimidate other persons are actually used by the student. Examples include but are not limited to: firearms, whether loaded or unloaded; knives (with blades greater than 2 inches in length); razor blades; razor blade knives or holders (example Xacto knife; unless required for a school project); clubs; metal knuckles used in a threatening manner; numchucks; throwing stars; explosives, including fireworks (if illegal in Minnesota); stunguns; ammunition; chains; pellet guns, BB guns; bows; cross bows; mace; tear gas; pepper gas; sling shots; wrist rockets; look-alike guns (except for obvious squirt guns either empty or filled with water); and other non-functioning guns that could be used to threaten others, or any flammable liquid or other device or instrumentality that, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm. Included in Category I is any firearm including pellet gun or BB gun found to be in possession of a student, whether or not it has been used.

PENALTY FOR CATEGORY I VIOLATIONS:
For students involved in any incident where weapons were used (in other words, Category I), the administrator or his/her designee shall have for their use all discipline alternatives available for immediate response including, but not limited to initial suspension, confiscation of the weapon(s), and notification of parent or guardian. The administrator shall immediately notify the local police department when any Category I Weapons Violation occurs. The administrator shall immediately initiate the expulsion process. The administrator shall consider whether or not Exclusion is to be recommended to the Charter School Board in addition to the mandatory expulsion process.

B. CATEGORY II:

Articles commonly used as weapons or designed to inflict bodily harm and/or intimidate other persons and are in the possession of the student, but not used by the student. Examples include but are not limited to: knives (with blades greater than 2 inches in length); razor blades; razor blade knives or holders (example Xacto knife; unless required for a school project); clubs, metal knuckles, numchucks; throwing stars, explosives, including fireworks (if illegal in Minnesota); stunguns; ammunition; chains; pellet guns; BB guns; bows; cross bows; mace; tear gas; pepper gas; sling shots; wrist rockets; look-alike guns (except for obvious squirt guns either empty or filled with water); and other non-functioning guns that could be used to threaten others.

TRIO Wolf Creek Distance Learning Charter School #4095

PENALTY FOR CATEGORY II VIOLATIONS:
For students found to have been in possession of a weapon as defined by Category II in violation of this policy; the student may be 1) immediately suspended out of school for one (1) to five (5) days; and 2) have determined a date and time for a re-admittance conference. Days off suspension either in-school or out-of school may be determined at the discretion of the administrator depending on the severity of the violation and the age of the student. If the administrator gives additional days of Out-of-school suspension beyond the initial five (5) days, he/she shall immediately convene the Weapons Hearing committee for a determination of whether or not an expulsion is warranted. The Committee shall consist of administration, teachers (or counselor or case manager if more appropriate), and the Charter School Board. It shall have access to all investigative information on the student and the incident. It shall hear from the students and parent, if reasonable, possible, and then make a determination about whether or not to recommend expulsion to the board and commence the expulsion process.

C. CATEGORY III:

Articles which are designed for other purposes but which are actually used to inflict bodily harm and/or intimidate. Examples include, but are not limited to: belts, scissors, combs, pencils, or pens, files, ball bats, lighter (when used as a weapon), compasses, and letter openers.

***PENALTY FOR CATEGORY III VIOLATIONS*:**
For students having been found in possession of an instrument defined as a Category III weapons, no sanction shall be imposed, except that for a student found to have used a Category III article as a weapon in violation of this policy, they shall be given the same sanctions as outlined for Category I weapons.

A student who finds a weapon on the way to school or on 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 administrator's office shall not be considered to possess a weapon.

The administrator or his/her designee shall conduct a timely investigation into any incident allegedly involving the use of a weapon. If a weapon is found to have been involved, the above sanctions shall be followed.

TRIO Wolf Creek Distance Learning Charter School #4095

IV. APPLICATION

This policy shall apply to all schools and school locations used by TRIO Wolf Creek Distance Learning Charter School #4095, all students, staff, and visitors to these schools.

V. REPORTING

The administrator shall file reports of dangerous weapon incidents that occur in their school zones with the director. The director shall be responsible for filing the reports with the Commissioner of Education as required by Minn. Stat. § 121A.06.

Legal References: Gun Free Schools Act
Minnesota Pupil Fair Dismissal Act, Minnesota Statutes, sections 121A.40-121A.56
Minn. Stat. § 121A.06 Reports of Dangerous Weapon Incidents in School Zones
Minn. Stat. § 609.02 (Definition of Dangerous Weapons)
Minn. Stat. § 609.66 (Dangerous Weapons)
Minn. Stat. § 609.605 (Trespass)
Minn. Stat. § 97B.045 (Transportation of Firearms)
Minn. Stat. § 121A.05 (Referral to Police)
Minn. Stat. § 121A.44 (Expulsion for Possession of Firearm)
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: Policy 403 (Discipline, Suspension, and Dismissal of Charter School Employees)
Policy 506 (Student Discipline)
Policy 525 (Violence Prevention)