

Adopted: May 14, 2015

Revised: \_\_\_\_\_

## **Success Academy POLICY No. 4.6.5 REFERRING OF FIREARMS POSSESSOR**

### **I. PURPOSE**

The purpose of this policy is to comply with laws which require reports of incidents in which an individual unlawfully brings a firearm to school.

### **II. POLICY STATEMENT**

The Board of Success Academy directs the [Executive Director] to ensure that appropriate mechanisms are in place to report the incidents in which a student or other individual brings a dangerous weapon to school.

### **III. DEFINITIONS**

- A. "Combustible liquid" is a liquid having a flash point at or above 100 degrees Fahrenheit.
- B. "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, any combustible or 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, or any fire that is used to produce death or great bodily harm.
- C. "Firearm" has the meaning given in federal law at 18 U.S.C.A. §921 and means (1) 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; (2) the frame or receiver of any such weapon; (3) any firearm muffler or firearm silencer; or (4) any destructive device. The term does not include an antique firearm.
- D. "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.
- E. "Flammable liquid" means any liquid having a flash point below 100 degrees Fahrenheit and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100 degrees Fahrenheit (but does not include intoxicating liquor).
- E. "School zone" means:

1. Any property leased, or controlled by Success Academy where an elementary, middle, secondary school, secondary vocational center or other school providing educational services in grade 1 through grade 12 is located, or used for educational purposes, or where extracurricular or cocurricular activities are regularly provided; and
2. The area surrounding school property to a distance of 300 feet or one city block, whichever distance is greater, beyond the school zone; and
3. The area within a school bus when that bus is being used to transport one or more elementary or secondary school students.

#### **IV. DUTY TO REPORT TO COMMISSIONER OF EDUCATION**

- A. Report Forms. The administration of Success Academy must electronically report to the Commissioner of Education incidents involving the use or possession of a dangerous weapon in school zones. The Commissioner of Education will provide the report form to be used, which will include the following information:
1. A description of each incident, including a description of the dangerous weapon involved in the incident;
  2. Where, at what time, and under what circumstances the incident occurred;
  3. Information about the offender, other than the offender's name, including the offender's age; whether the offender was a student and, if so, where the offender attended school; and whether the offender was under school expulsion or suspension at the time of the incident;
  4. Information about the victim other than the victim's name, if any, including the victim's age; whether the victim was a student and, if so, where the victim attended school; and if the victim was not a student, whether the victim was employed at the school;
  5. The cost of the incident to the school and to the victim; and
  6. The action taken by the school administration to respond to the incident.
- B. Reporting Requirements. By July 31 of each year, the administration of Success Academy shall report incidents involving the use or possession of a dangerous weapon in school zones to the commissioner.

#### **V. REPORTING STUDENTS IN POSSESSION OF A FIREARM TO LAW ENFORCEMENT**

As soon as is practicable, the [Executive Director or other appropriate administrator] shall refer to the criminal justice or juvenile delinquency system, as appropriate, a pupil who brings a firearm to school unlawfully.

*Legal References:* Minn. Stat. §121A.05 (Policy to Refer Firearms Possessor)  
Minn. Stat. §121A.06 (Reports of Dangerous Weapon Incidents in School Zones)  
Minn. Stat. §152.01 (Definitions)  
Minn. Stat. §609.02 (Definitions)  
18 U.S.C.A. §921 (Definitions)