

MEDFORD AREA PUBLIC SCHOOL DISTRICT

<b>DATE ADOPTED:</b> January 24, 1995	<b>FILE SECTOR:</b> SCHOOL-COMMUNITY
<b>DATE REVISED:</b> December 19, 2002	<b>RELATIONS</b>
<b>DATE REVISED:</b> May 15, 2008	<b>POLICY TITLE:</b> WEAPONS IN THE SCHOOL
<b>DATE REVISED:</b> October 24, 2011	
<b>DATE REVISED:</b> March 15, 2012	

Non-Applicability to Students

Except where students are expressly mentioned, this Policy does not apply to students of the Medford Area School District. Separate policies address the weapons prohibitions that are applicable to students.

Definition

As used in this Policy, the term “dangerous weapon” includes, but is not necessarily limited to, the following:

1. any firearm, whether loaded or unloaded and whether assembled or unassembled;
2. any bomb, explosive, or similar destructive device;
3. any beebee or pellet-firing gun that expels a projectile through the force of air pressure or any starter pistol;
4. any object or device designed as a weapon and capable of producing death or great bodily harm, regardless of whether the weapon is concealed, unconcealed, and/or licensed for concealed carry;
5. any ammunition or any electric weapon, as defined in section 941.295(1c)(a) of the state statutes;
6. any other object, device, or substance which, in the manner it is used or intended to be used, is calculated or likely to produce death or great bodily harm; or
7. any other device or object defined as a weapon by state or federal law.

Dangerous Weapons Prohibited

Except to the extent such restrictions are (1) otherwise prohibited by law; and/or (2) expressly subject to an exception stated in the next section of this Policy (below), the Board establishes the following prohibitions regarding dangerous weapons:

1. No District official, District employee or other person, including, but not limited to, all visitors, volunteers, and contractors, may possess, use, or store any dangerous weapon in any school or other building or facility that is owned, occupied or controlled by the District; on the grounds of a school or on other school premises; in any District-owned vehicle or on any form of District-provided transportation; or at any District-sponsored program or activity not held on school grounds or on school premises, where such program or activity qualifies as a special event having restricted access that is controlled by the District.
2. No District employee shall possess or use a dangerous weapon at any time when acting within the scope of his or her employment; and

3. Neither a District employee; nor a District contractor who is working in a location where District employees or students are present in connection with a District-related program, event, or activity; nor any District-authorized volunteer shall possess or use any dangerous weapon when acting in his/her District-authorized capacity, regardless of the location where such duties are performed (including, for example, on District field trips).

#### Exceptions to the Prohibitions against Dangerous Weapons

The prohibitions on dangerous weapons identified in the previous section of this Policy do not apply in the following circumstances:

1. Where state law prohibits a school district from restricting any individual's right to possess a firearm or other dangerous weapon in a location covered by this Policy (e.g., an employee holding a valid license to carry a concealed weapon has limited rights under state law to store a licensed weapon in his/her own vehicle; including the limitation that any licensed handgun in an employee vehicle located on school grounds must be stored under the conditions stated in paragraph 7, below, within this list of exceptions);
2. Where the firearm or other dangerous weapon is lawfully possessed or used by a law enforcement officer or a state-certified commission warden acting in his or her official capacity;
3. Where a firearm is possessed or used by an individual in accordance with the express provisions of a written and Board-approved contract entered into between the District and either the individual or an employer of the individual;
4. Where a firearm is possessed by a non-student for use in a program expressly approved, in advance, by the District Administrator or School Board;
5. When a person possesses and uses a firearm or other hunting weapon and is legally hunting, in season, within the Medford school forest pursuant to hunting activities that have been authorized by the Board;
6. Where the weapon is unloaded and in the possession of a non-student at least 18 years of age while traversing school grounds for the purpose of gaining access to public or private lands open to hunting, if the entry on school grounds is authorized by school authorities;
7. Where an unloaded firearm is stored by an adult person, other than a student, in the individual's personal vehicle, and the unloaded firearm is and remains either fully encased and locked within the vehicle, or in a locked firearms rack on said vehicle;
8. With respect to dangerous weapons other than firearms:
  - a. Where a person uses or possesses a weapon for a purpose that has been expressly sanctioned by the District; including but not necessarily limited to the use of a starter pistol by a responsible adult in connection with school athletics;
  - b. Where a weapon, other than a firearm, has been approved, in advance, by the building principal for purposes of a specific demonstration or educational presentation, provided that the weapon shall be maintained in the possession of the principal except during the actual demonstration or presentation;
  - c. Where a person is engaging in military activities, sponsored by the federal or state government, and the person is acting in the discharge of his or her official duties; or
  - d. Where an adult person, other than a student drives a motor vehicle in which a dangerous weapon is located onto school premises for a school-sanctioned purpose or for the purpose of delivering or picking up passengers or property; provided that the weapon is neither removed from the vehicle nor used in any manner; or
9. Pursuant to any other exception that is consistent with applicable law and that is approved in advance by a motion of the School Board.

Nothing in this Policy is intended to prohibit the possession or use of potentially dangerous objects or substances that are not designed primarily for use as a weapon (e.g., certain equipment and tools), provided that such objects or substances have been issued or authorized by the District, and provided that such objects or substances are possessed and used exclusively for their limited and authorized purpose(s).

Further, it is understood that school employees or other authorized individuals may sometimes have a need to temporarily take possession of a dangerous weapon that is present in a school environment in order to address a violation of law or policy and to protect the health and safety of others. Temporary possession of a weapon under such circumstances shall be considered authorized and shall not be considered a violation of this Policy. In such circumstances, the weapon should be stored in a secure manner until it can be safely turned over to law enforcement at the earliest reasonable opportunity.

#### Additional Employee Responsibilities

If any District employee has reason to believe that an employee, student, visitor or other person possesses or has used or stored a weapon in violation of this or any other District policy, that employee is required to report such belief to a supervisor, a school principal or the District Administrator. There will be no retaliation against any employee who, in good faith, makes a report of a violation of this Policy or who participates in the investigation of such a report. School personnel should contact and seek the assistance of law enforcement when addressing situations involving violations of this Policy.

When implementing this Policy, school administrators and other employees should be aware that state-issued licenses permitting certain private individuals to lawfully carry a handgun or certain other weapons in various public places generally do not permit the possession, carrying or use of such weapons in schools or on school premises, whether the weapon is concealed or not concealed.

#### Sanctions for Violations

Employees violating this Policy may be subject to disciplinary action up to and including termination of employment, and may be referred to law enforcement officials for possible prosecution under applicable laws or ordinances. Employees are responsible for taking reasonable steps, in advance, to ensure that any item in their possession or control is not prohibited by this Policy. Employees who have questions about whether an item, object or device is covered by this Policy, or whether a particular exception identified in this Policy may apply in a specific context should contact the District Administrator.

Any other person violating this Policy may be asked to leave and remove the weapon from the premises, activity, or event; may be restricted from accessing District property and activities in the future; and/or may be referred to law enforcement officials for possible prosecution under applicable laws or ordinances.

Notices.

All persons are given notice by this Policy that, except as otherwise provided by the applicable state statutes:

1. *It is a Class I felony for any individual to knowingly possess a firearm at a place that the individual knows, or has reasonable cause to believe, is in or on the grounds of a school. A license to carry a concealed handgun does not exempt an individual from criminal prosecution under this provision of law;*
2. *Any individual who knowingly possesses a firearm at a place that the individual knows, or has reasonable cause to believe, is within 1,000 feet of the grounds of a school is subject to a Class B forfeiture. This limitation does not apply to certain persons who possess a valid license to carry a concealed firearm; and*
3. *Any person who knowingly possesses or goes armed with a dangerous weapon on school premises is guilty of a criminal offense. A license to carry a concealed weapon does not exempt an individual from criminal prosecution under this provision of law.*

This Policy shall be published in employee handbooks. To the extent required by law, and as determined to be additionally appropriate by the administration, public notice of the prohibitions established by this Policy shall be provided through appropriate signage or other types of notice.

**CROSS REFERENCE:** JFCJA, JFCN, JGE & KGB

**LEGAL REFERENCE:** 118.07, 120.13(38), 175.60, 941.23, 941.295(1)(c)(a), 943.13, 948.60, 948.605, and 948.61 Wis. Stats. & 18.U.S.C. Sec. 921(a) Federal Law