
BOARD AGENDA ITEM

Information/Discussion _____

Future Action _____

Action __X__

Item: Board Policy Amendment

Submitted by: Dave Rodgers, Asst. Superintendent of Human Resources

Date: __1-23-24__

Recommended by: Dave Rodgers

Board Meeting Date: __2-12-24__

RECOMMENDATION:

On behalf of the Leadership Team, it is recommended that the Board of Education take the appropriation Board actions to adopt the amended Board Policy #3408 – Firearms and Weapons, consistent with the options identified by Thrun Law’s policy service.

BACKGROUND:

As a result of the complexity and intersection of Michigan’s weapon-free school zone statute MCL 750.237a, with other pertinent law and court rulings, the issues of weapon possession at public schools can become quite confusing.

When initially adopted in August 2022, Board Policy #3408 included a number of “optional” provisions in the “Permitted Uses” section. Thrun requires items #1-3 be adopted, but listed additional optional uses to be included at the district’s discretion.

Per Thrun:

The ISD is only authorized to regulate the open carry possession (e.g., holstered and plainly visible) of a firearm. Board Policy 3408 is written with the assumption that it cannot and does not override state law. Michigan law generally already prohibits, with limited exception, concealed pistol license (CPL)-holders from carrying a concealed pistol at a school or school property – just as concealed carry is automatically prohibited at a bar or sports stadium.

The District may adopt a policy that prohibits those individuals and all CPL-holders from open carry possession. See Mich Gun Owners, Inc v Ann Arbor Pub Sch, 502 Mich 695 (2018) (consolidated with Mich Open Carry, Inc v Clio Area Sch Dist). There, the Michigan Supreme Court addressed and upheld the school policy that prohibited open carry. “To be clear, in practice [due to the board policy], this means CPL holders can carry a concealed weapon on school property under certain limited conditions [per MCL 28.425o], but they cannot openly carry one.” 502 Mich at 701.

This decision was a huge win for schools. Gun advocates had tried to exploit the “open carry loophole.” As noted above, state law explicitly prohibits CPL-holders from carrying a

*concealed pistol on school property but is silent on whether they can open carry on premises where firearms are otherwise prohibited. **Because of that decision, schools can now choose to close the loophole with a board policy that prohibits “open carry” possession in addition to the already state-prohibited “concealed carry” at school.***

For these reasons, after further review of the existing #3408, we recommend maintaining only the four permitted uses, as shown in the draft revision.

Please feel free to reach out with any questions.