

BULLETIN BOARD

Weapons Policies

The Michigan Court of Appeals recently decided two cases that upheld a school board's authority to prohibit firearms on school property. Leading up to the cases, there was legal uncertainty about enforcing weapons policies against individuals who possess a Concealed Pistol License and openly carry a firearm on school property. This question has now been settled, pending an appeal to the Michigan Supreme Court, so school boards may want to review their current weapons policies and consider the following issues:

- If your current policy provides that a firearm shall not be possessed on school district property "unless allowed by law," the board should consider revising the policy by removing this language if it wishes to ban firearms on school property. Under law, individuals who possess a CPL may still legally carry a firearm on school property. However, school boards can go beyond the law with a policy that prohibits such individuals from bringing a weapon on school property. Thus, the revised policy should clarify that an individual who possesses a valid CPL is also prohibited from carrying a concealed pistol on school property.
- Thus, your school board would not have to amend its policy to prohibit CPL holders from openly carrying on school property if the board has adopted NEOLA policy language that indicates the board's weapons "prohibition applies regardless of whether the visitor is otherwise authorized by law to possess the weapon, including if the visitor holds a concealed weapons permit."
- If your school board decides to adopt a policy that prohibits CPL holders from openly carrying a firearm on school property, it will have to enforce the policy either through a local municipal ordinance or by pursuing a trespass claim against an individual who violates the policy. The Ann Arbor Public Schools Board of Education used a city ordinance that regulates unauthorized persons on school property to assist with the enforcement of its policy that was upheld by the Court of Appeals. In the absence of a similar ordinance that would apply to a school district, a school board would use MCL 750.552 to enforce its weapons policy against CPL holders who openly carry a firearm on school property. This section of the Michigan Penal Code prohibits individuals from trespassing on a property after being warned about remaining on the property or forbidden from entering the property.

The court cases will likely be appealed and considered by the Michigan Supreme Court. MASB will continue to monitor the cases and will provide updates on the cases if necessary.

